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SAN FRANCISCO
PORT COMMISSION

DOCUMENTS DEPT.

MAY - 3 2001

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REGULAR MEETING
4:00 P.M., TUESDAY, MAY 8, 2001
BAYSIDE CONFERENCE ROOM
PIER 1, S.F. 94111

AGENDA

1. **ROLL CALL**

2. **APPROVAL OF MINUTES** - April 12, 2001 Special Meeting
   - April 18, 2001 Special Meeting

3. **EXECUTIVE**

   A. Executive Director's Report

   - Release of the Maritime Industrial Study (Note: Informational presentation on this item will be provided at the May 22nd Commission meeting.)

4. **OPERATIONS**

   A. Request for authorization to enter into a contract with Wonderware Corporation to purchase software licenses and consulting services to implement their *Avantis* Facility Maintenance Management software. (Resolution No. 01-32) (Staff report provided to the Commission.)

5. **MARITIME**

   A. Request for approval of sublease between Marine Terminals Company and Neoplan USA Corporation for 33,700 sq. ft. of shed A at Pier 80. (Resolution No. 01-34) (Staff report provided to the Commission.)

6. **ENGINEERING & MAINTENANCE**

   A. Request for authorization to award Contract Number 2670, "Pier 34 Demolition" to Zaccor Companies, Inc., for $787,618.00 plus a 10% construction contingency. (Resolution No. 01-33) (Staff report provided to the Commission.)

7. **PLANNING & DEVELOPMENT**

   A. Informational Briefing regarding the Draft Bayview Hunters Point Community Revitalization Concept Plan for the Bayview Hunters Point Redevelopment Survey Area. (Staff report provided to the Commission)

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8. NEW BUSINESS / PUBLIC COMMENT

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. It is strongly recommended that public comments be submitted in writing so they can be distributed to all Commissioners for review. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 274-0406.

9. EXECUTIVE SESSION

A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.

B. CLOSED SESSION

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING AND ANTICIPATED LITIGATION MATTERS (DISCUSSION ITEMS):

a. Discuss existing litigation matters pursuant to subdivisions (a) and (d) of the California Government Code Section 54956.9 (2 cases).

- F. Alioto Co. v. CCSF; Superior Court Case No. 318360.
- CCSF v. Commonwealth Ins. Co. et al Santa Clara Superior Court No. CV 794046.

b. Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (4 potential cases).
X As Defendant __ As Plaintiff

- As Defendant: Two licensees and one lessee at Wharf J-3 have informed the Port that they have claims for damages and/or injunctive relief relating to the Port's alleged failure to repair or maintain the substructure of wharf J-3 or the fish processing building located at wharf J-3.

- As Defendant: The purchaser of a drydock at a public auction has hired counsel and informed the Port that he may have a claim for contract rescission relating to Port's alleged failure to disclose information concerning the drydock.

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. ***This session is closed to any non-City/Port representative. ****

a. Property: Piers 70
Person Negotiating: Port: Theresa Picon, Real Estate Director
*Waste Resources Technologies:. Jack Isolo

Under Negotiation: ___ Price ___ Terms of Payment X Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 70.

b. Property: Seawall Lot 352
Person Negotiating: Port: Port: Theresa Picon, Director of Real Estate
*Pacific Cement: Rick Ramirez

Under Negotiation: ___ Price ___ Terms of Payment X Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at SWL 352.

c. Property: Pier 92
Person Negotiating: Port: Theresa Picon, Director of Real Estate
*Bode Gravel Company/Mission Valley Rock: Dan Boardman

Under Negotiation: ___ Price ___ Terms of Payment X Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 92.

d. Property: Pier 40
Person Negotiating: Port: Mark Lozovoy, Assistant Deputy Director of Real Estate
*Redevelopment Agency: James Morales

Under Negotiation: ___ Price ___ Terms of Payment X Both
An executive session has been calendared to discuss real estate negotiations regarding property located at Pier 40.

e. Property: Rincon Park Restaurants at Folsom and Embarcadero
Person Negotiating: Port: Byron Rhett, Director of Planning and Development.
*Rincon Park Restaurants LLC.: Reed Hearon

Under Negotiation: ___ Price ___ Terms of Payment X Both
An executive session has been calendared to discuss real estate negotiations regarding Rincon Park Restaurants at Folsom and Embarcadero.

f. Property: Pier 90
Person Negotiating: Port: Peter Dailey, Director of Maritime & Theresa Picon, Director of Real Estate
*ISG Resources, Inc: Clint Kurtz

Under Negotiation: ___ Price ___ Terms of Payment X Both
An executive session has been calendared to discuss real estate negotiations regarding Port property located at Pier 90.

2 50351 SFPL: ECONO JRS
45 SFPL 04/09/04 95

g. Property: Castagnola Restaurant @ Jefferson Street
Person Negotiating: Port: Theresa Picon, Director, Real Estate
*Castagnola Restaurant: General Lolli

Under Negotiation: ___ Price ___ Terms of Payment _X_ Both
An executive session has been calendared to discuss real estate negotiations regarding Castagnola Restaurant.

h. Property: Port property located at Mission & Embarcadero
Person Negotiating: Port: Theresa Picon, Director, Real Estate
*Muni: Kerstin Magary

Under Negotiation: ___ Price ___ Terms of Payment _X_ Both
An executive session has been calendared to discuss real estate negotiations regarding Port property located at Mission & Embarcadero.

10. RECONVENE IN OPEN SESSION

A. Possible report on actions taken in closed session pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.14.

B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.14.

11. ADJOURNMENT

Staff Reports: Explanatory Documents available to the public are posted on the Port's Website at www.sfport.com.

MAY/JUNE 2001
CALENDAR OF UPCOMING PORT MEETINGS - OPEN TO THE PUBLIC

Date	Time	Group	Location
May 8	4:00 p.m.	Port Commission	Bayside Conference Room @ Pier 1
May 11	11:30 a.m.	Maritime Commerce Advisory Committee	Bayside 1 @ Pier 1
May 22	4:00 p.m.	Port Commission	Bayside Conference Room @ Pier 1
June 12	4:00 p.m.	Port Commission	Bayside Conference Room @ Pier 1
June 26	4:00 p.m.	Port Commission	Bayside Conference Room @ Pier 1

NOTES:
The San Francisco Port Commission meets regularly on the 2nd and 4th Tuesday of the month at 4:00 p.m., unless otherwise noticed, in the Bayside Conference Room @ Pier 1. Contact Amy Quesada at 274-0406 to be placed on the mailing list for Commission meeting agenda. ***The Commission Agenda and the staff reports are also posted on the Port's Website @ www.sfport.com.***

The Ferry Building Waterfront Advisory Group does not have any scheduled meetings. Contact Person: Alec Bash @ 274-0539.

The Fisherman's Wharf Waterfront Advisory Group meets regularly on the 3rd Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Person: Kirk Bennett @ 274-0545.

The Mission Bay CAC meets regularly on the 2nd Thursday of the month, from 5:00 to 7:00 p.m. at the Mission Bay Visitor Center (255 Channel Street). Please contact Tiffany Bohee at 749-2481 for more information.

The Northeast Waterfront Advisory Group meets regularly on the 1st Wednesday of the month at 4:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Person: Kirk Bennett @ 274-0545.

The Pier 70 Advisory Group meets monthly on an as-needed basis generally on the 2nd Wednesday of the month from 4 to 6 p.m. at the Potrero Campus of the California College of Arts and Crafts, Board Room, 1111 – 8th Street between Irvin and Hooper. Contact Person: Mark Paez @ 705-8674.

The Rincon Point-South Beach CAC meets regularly on the 3rd Monday of the month, from 5:00-7:00 p.m. at the South Beach Yacht Club (Pier 40 on The Embarcadero). Please contact Tiffany Bohee at 749-2481 or 749-2400 for more information.

The Southern Waterfront Advisory Committee (SWAC) meets every 4th Monday of the month. Location to be determined. Contact Person: Braj Norris @ 274-0540.

The Waterfront Design Advisory Committee meets the 3rd Tuesday of the month from 11 a.m. to 1 p.m. in the Bayside Conference Room @ Pier 1. Contact Person: Dan Hodapp @ 274-0625.

Port Website: Check out the Port's Website at **www.sfport.com.**

ACCESSIBLE MEETING INFORMATION

Getting to Pier 1:
Pier 1 on the Embarcadero, at the foot of Washington St. The Embarcadero Station is the closest BART and MUNI Metro stop, located below Market St. at Drumm & Spear Streets. The nearest F-Line streetcar stop is on the Embarcadero at Washington St. MUNI bus lines serving the Pier 1 area are the 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142.

The nearest accessible parking is provided in the following off-street pay lots:
A) 1 space in the surface lot on the west side of the Embarcadero at Washington St.
B) 3 spaces in the Pier 1/2 lot, located on the east side of the Embarcadero between the Ferry Building and Pier 1. During business hours this lot is operated by valets
C) Hourly and valet parking in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa.

Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking.

Metered street parking is available on the Embarcadero, Washington St. and Drumm St.

Pier 1:
The Port's fully accessible offices are in the west end of Pier 1. There are two public entrances; the main entrance on the west (Embarcadero), and the Port History walk entrance on the south apron. Each of these entrances is provided with an automatically operated door. Both entrances lead to the Commission Bayside meeting room. Accessible public restrooms, drinking fountains, payphone and TTY are on the first floor near the main entrance. The public spaces of the Port's offices are equipped with remote infrared signage (Talking Signs) identifying all primary entrances, paths of travel, meeting rooms and amenities. Accessible seating areas and assistive listening devices will be available in the Commission meeting room.

Accessible meeting information policy:
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

A sign language interpreter and alternative format copies of meeting agendas and other materials can be provided upon request made at least 72 hours in advance of any scheduled meeting. Contact Kevin Jensen, ADA Coordinator, at 274-0555. The Port's TTY number is (415) 274-0587.

Know Your Rights Under the Sunshine Ordinance. Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, please contact Donna Hall, Administrator at 554-7724; fax 554-5163; e-mail address Donna_Hall@ci.sf.ca.us; City Hall, Room 244, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Ordinance Task Force, the San Francisco Public Library and on the City's Website at www.ci.sf.ca.us/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance. Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Admin. Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, phone (415) 554-9510 or fax (415) 703-0121 and web site http://www.ci.sf.ca.us/ethics/.

PORT OF SAN FRANCISCO

MEMORANDUM

May 1, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Authorization to enter into a contract with Wonderware Corporation to purchase software licenses and consulting services to implement their *Avantis* Facility Maintenance Management software.

DIRECTOR'S RECOMMENDATION: Authorize staff to negotiate and enter into contract with Wonderware Corporation for a price not to exceed $422,390.

On December 20, 2000, through Resolution No. 00-99, the Port Commission granted staff authorization to issue a Request for Proposals (RFP) to software vendors to provide the Port with software to meet its needs for facility maintenance management in support of the Maintenance, Real Estate and Maritime divisions.

SUMMARY

The RFP for this software product was distributed to approximately 15 vendors on January 9, 2001. These vendors had been identified through an intensive search on the Internet, MBE/WBE notifications, and advertisements in minority newspapers and trade publications. An evaluation team was assembled consisting of representatives from Maintenance, Real Estate, Maritime, Accounting, and Information Systems. On February 9, 2001 (the due date) six proposals were received. The team evaluated these proposals and selected three of these vendors to come on-site to formally present their proposals and to provide live demonstrations of their software. This process was concluded on March 23, 2001 and resulted in the elimination of one of the vendors from further consideration. In order to select one of the remaining two vendors, selected members of the evaluation team took a business trip to the Port of Seattle and the Port of Portland to observe the systems in "live" operation. This trip resulted in a unanimous decision to

select the *Avantis* software product from Wonderware Corporation. This is the package that is currently being utilized at the Port of Portland.

BACKGROUND

With the assistance of an expert consultant, a multi-divisional project team performed a detailed analysis of its needs with respect to the Port's facility maintenance management business process and supporting information systems. Currently, these processes are being supported by an outdated, technically obsolete, and ineffective software subsystem that was written as a custom application in conjunction with the Oracle Financials System. It is the unanimous opinion of all user groups that this subsystem is far from meeting the current functional needs of the Port. In addition, maintenance and enhancement of this software is very difficult and time consuming. An in-house redevelopment effort to replace the software would be unthinkable given the resources that the Port would have available for such a project.

The Port needs to be able to efficiently and effectively manage its facility maintenance business process. Characteristics of an effective system would not only include the basic functionality to meet its maintenance management needs, but also flexible reporting and data extraction capabilities, seamless interaction with other systems, and providing a technological foundation that would last for a significant time horizon into the future.

EVALUATION

The proposals, resulting from the RFP, were evaluated by a team representing the Maintenance, Real Estate, Maritime, Accounting, and Information Systems functions. The evaluation was performed in accordance with the guidelines noted within the RFP. The original six proposals were evaluated based upon the formal responses that were submitted to the evaluation team. This evaluation resulted in the paring-down of the finalists to three vendors.

The final three vendors were re-evaluated based upon presentations and demonstrations of their respective products and an off-site trip to locations where the products are being used in day-to-day production use.

The result of the evaluation of the final three vendors is as follows:

Vendor	Score
Wonderware Corporation [Avantis]	2,843
PSDI Corporation [Maximo]	2,771
Prism Corporation [FAMIS]	2,500

NOTE: Additional details regarding the scoring methodology that was utilized, as well as the overall evaluation approach, are available upon request.

As a result of these final evaluations, the Port staff has determined that the *Avantis* software package from Wonderware Corporation is the most responsive to the criteria as stated within the RFP.

COST ESTIMATE & CONTRACT SUM

The cost estimate for implementing the Wonderware Corporation *Avantis* software package is as follows:

ITEM	COST
Software License	$155,450
1st Year Software Maintenance	25,140
Implementation Consulting	196,800
User Training	45,000
TOTAL	**$422,390**

CONCLUSION

As a result of the staff's RFP process, the evaluation team has identified the *Avantis* software product from Wonderware Corporation as the most responsive and qualified software vendor under the criteria as set forth by the RFP. This vendor has provided the staff with a cost estimate of $422,390 to satisfy the Port's current needs.

Therefore, the staff seeks Port Commission approval to negotiate and enter into a contract with Wonderware Corporation for the *Avantis* software product for the not-too-exceed sum of $472,390 which represents the current contract estimate of $422,390 plus $50,000 for additional contingencies that may arise during project implementation. Funding for this project is available in this year's budget.

As approved by the San Francisco Administrative Code Section 21.30, the procurement of licensed software products, such as those recommended here, are exempt from the usual contracting requirements of the administrative code.

Prepared by John Barnett, Manager/Information Systems

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-32

WHEREAS, Port staff has identified the need for a new Facility Maintenance Management System; and

WHEREAS, The Port Commission by Resolution No. 00-99 granted staff authorization to issue a Request for Proposals (RFP) to software vendors to provide the Port with software to meet its needs for facility maintenance management; and

WHEREAS, Port staff desires to purchase this software from a vendor who has already developed such a system; and

WHEREAS, In response to the Port's RFP, staff received proposals from six software vendors, among which staff found the *Avantis* system from Wonderware Corporation to be the most responsive to the criteria stated in the RFP; and

WHEREAS, Wonderware Corporation has provided staff with a cost estimate of $422,390 for the software and related services needed by the Port; and

WHEREAS, Port staff requests authorization to enter into a contract with Wonderware Corporation to purchase software licenses and consulting services to implement their *Avantis* software; now therefore, be it

RESOLVED, That the Commission hereby authorizes staff to enter into a contract with Wonderware Corporation to purchase software licenses and consulting services to implement their *Avantis* software to provide the Port with a Facility Maintenance Management information system at a not-to-exceed cost of $472,390, representing the contract estimate of $422,390 plus $50,000 for possible project contingencies.

I hereby certify the foregoing resolution was adopted by the Port Commission at its meeting of May 8, 2001.

_____
Secretary

PORT OF SAN FRANCISCO

MEMORANDUM

May 1, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice-President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approve sublease between Marine Terminals Company and Neoplan USA Corporation for 33,700-sq. ft. of shed A at Pier 80.

DIRECTOR'S RECOMMENDATION: APPROVE RESOLUTION

BACKGROUND

On December 18th 1997 the Port of San Francisco (Port) and Marine Terminals Corporation, (MTC) entered into a five-year non-exclusive management agreement (Agreement) for certain marine terminal facilities at Pier 80 situated in the City and County of San Francisco. On January 1, 2000 the Port and MTC entered into the first amendment to the Agreement. A provision of this first amendment detailed the provisions regarding sub-leasing of space at Pier 80 to other users.

MTC has subsequently come to the Port to ask for the approval of a sub-lease with Neoplan USA Corporation (Neoplan) for 33,700 sq. ft. of shed A at Pier 80 for twenty months ending December 31, 2002. Neoplan will engage in refurbishment and assembly of buses. All provisions of the sub-lease agreement meet requirements of our agreements with MTC and are within standard Port Commission rate parameters. Under our first amendment with MTC, the Port will receive 50% of these sub-lease revenues.

Neoplan and MTC have asked the Port to amend the standard sub-lease agreement to include an indemnity from the Port and City. MTC and Neoplan's proposed changes to the standard indemnification language in our standard Sub-Lease agreement have been approved by the City's Risk Manager. The sub-lease is on file with the Commission Secretary.

Prepared by: Peter Dailey, Director of Maritime

THIS PRINT COVERS CALENDAR ITEM **NO. 5A**

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-34

WHEREAS, Port and MTC have previously entered into a non-exclusive management agreement (Agreement) dated December 18, 1997; and

WHEREAS, Port and MTC entered into the first amendment of Agreement on January 1, 2000; and

RESOLVED, MTC wishes to sublease a portion of Shed A at Pier 80 to Neoplan for a period of twenty months; and

RESOLVED, this sublease meets all provisions of first amendment of Agreement as well as meeting Port Commission approved rent parameters; and

RESOLVED the parties desire to amend the Port's standard sublease agreement to include changes to standard indemnification language; and

RESOLVED, these proposed changes have been approved by the City's Risk Manager; and

RESOLVED, that the Port Commission authorizes the Executive Director (i) to enter into the Sub-lease agreement; (ii) to make any necessary refinements to the sub-lease as are approved by the City Attorney; (iii) to obtain approval from the City's Risk Manager to amend the sub-lease agreement and to execute such agreement; and to (iv) take all such further actions as are necessary to put the sub-lease agreement into effect.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 8, 2001.

_____
Secretary

PORT OF SAN FRANCISCO

MEMORANDUM
May 1, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Request for authorization to award Contract No. 2670, "Pier 34 Demolition," to Zaccor Companies Inc. for $787,618.00.

DIRECTOR'S RECOMMENDATION: AUTHORIZE PORT STAFF TO AWARD CONTRACT NO. 2670, "PIER 34 DEMOLITION," TO ZACCOR COMPANIES FOR $787,618.00 PLUS A 10% CONTINGENCY.

On December 13, 2000, the Commission authorized Port Staff to advertise Contract No. 2670, "Pier 34 Demolition" for bids. On February 20, 2001, Staff received five bids for this project. On March 26, 2001 the Commission rejected all bids and authorized the re-bid of the contract using the existing project specifications. On April 11, 2001 five bids were received for the re-bid. A bid summary is attached summarizing the re-bid results. Zaccor Companies submitted the lowest responsive bid for this project. The second low bidder, Peak Engineering, filed a bid protest, contending that Zaccor's bid fails to comply with the bid specifications and the HRC subcontracting goals. The bid protest has been carefully reviewed by the City Attorney's office and the HRC staff, and determined to be without merit.

The timely demolition of Pier 34 is an integral part of the recent negotiations with BCDC on the Special Area Plan. BCDC has been notified of the re-bid and is anxiously awaiting the commencement of this project.

Port Staff seeks Commission authorization to award Contract No. 2670 to Zaccor Companies Inc for $787,618.00 with a 10% construction contingency of $78,762.00, and permission for the Executive Director to accept the work upon completion. Funding for this project is available from previously appropriated capital funds.

Prepared by: Ed Byrne, Project Engineer
For: Nita Mizushima, Acting Chief Harbor Engineer

This Print Covers Calendar Item No. **6A**

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-33

WHEREAS, on December 13, 2000, the Commission authorized Port Staff to advertise Contract No. 2670, "Pier 34 Demolition," for bids; and

WHEREAS, on February 20, 2001, Staff received five bids for this project; and

WHEREAS, on March 26, 2001 the Commission rejected all bids and authorized the re-bid of the contract using the existing project specifications; and

WHEREAS, on April 11, 2001 five bids were received for the re-bid project; and

WHEREAS, funding is available from previously appropriated capital funds, and

WHEREAS, Port staff has determined that Zaccor Companies' submitted the lowest responsible, responsive bid for this project, and the bid meets all City requirements, including the HRC subcontracting goals; now therefore be it

RESOLVED, that the San Francisco Port Commission authorizes Port Staff to award Contract No. 2670 to Zaccor Companies Inc for $787,618.00 with a 10% construction contingency of $78,762.00, and authorization for the Executive Director to accept the work upon completion.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 8, 2001.

BID SUMMARY
PORT OF SAN FRANCISCO

Prepared By: Ed Byrne
Checked By:
Date: 4/11/01

Project: Pier 34 Demolition Re-Bid
Contract No.: 2670 **Project Engineer: Ed Byrne** **Bids Opened: April 11, 2001**

			Zaccor Companies Inc. 2900 Main Street Alameda, CA. 94501 (510) 522-6210		Peak Engineering, Inc. 2332 Mariposa St. San Francisco, CA 94110 (415) 252-8140		Ferma Corporation 1265 Montecito Ave., Suite 200 Mountain View, CA 94043 (650) 961-2742		Granite Excavation & Demolition 671 Illinios Street San Francisco, CA 94107 (415) 503-3100		Seaworks Inc. 8517 Earhart Rd., Suite 160 Oakland, CA 94621 (510) 562-4060	
Bid		**Estimated**	**Unit /LS**		**Unit /LS**		**Unit /LS**		**Unit /LS**		**Unit /LS**	
Item #	**Description**	**Quantity**	**Price**	**Total**	**Price**	**Total**	**Price**	**Total**	**Price**	**Total**	**Price**	**Total**
1	Mobilization	LS	130,000.00	130,000.00	60,000.00	60,000.00	65,000.00	65,000.00	104,131.00	104,131.00	92,500.00	92,500.00
2	Demolition	LS	497,000.00	497,000.00	974,000.00	974,000.00	1,140,000.00	1,140,000.00	1,110,800.00	1,110,800.00	470,800.00	470,800.00
3	Disposal	LS	160,618.00	160,618.00	150,000.00	150,000.00	134,000.00	134,000.00	386,028.00	386,028.00	999,000.00	999,000.00
	Total Base Bid			787,618.00		1,184,000.00		1,339,000.00		1,600,959.00		1,562,300.00

Budget Anounced 1,200,000.00

PORT OF SAN FRANCISCO

MEMORANDUM

May 1, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Informational Briefing on Draft Bayview Hunters Point Community Revitalization Concept Plan for the Bayview Hunters Point Redevelopment Survey Area

ACTION: No action required; receive public comments

The San Francisco Redevelopment Commission and its staff have been working with the Bayview Hunters Point community to produce a redevelopment plan. To do this, a Bayview Hunters Point Redevelopment Survey Area was defined, which includes Port property on portions of Pier 80, along Islais Creek, and from Pier 90 through Pier 98 (Heron's Head Park). In addition, a Bayview Hunters Point Project Area Committee (BVHP PAC), made up of community representatives, was established pursuant to State Redevelopment regulatory requirements, to guide the development of the plan.

The Redevelopment Agency staff and BVHP PAC has been working diligently since 1997 to define the mission and vision for Bayview Hunters Point to guide future growth and community program priorities. In March 2001, the BVHP PAC published the Bayview Hunters Point Community Revitalization Concept Plan (Concept Plan) for the redevelopment survey area.

The Concept Plan identifies seven revitalization strategies:
1) Promote Local Economic and Employment Development First
2) Improve Education, Training and Employment Opportunities for Residents
3) Focus Coordinated Investments in High Priority Areas Where They Will Have the Greatest Visibility and Impact

4) Encourage Civic Participation Through Interactive Public Processes and Foster Cultural Development through the Arts
5) Conserve Existing Housing and Provide New Housing
6) Address Environmental Problems and Identify Opportunities that Increase the Quality of Life
7) Improve the Physical Environment and Transportation Systems

A copy of the Concept Plan's Executive Summary is included as Attachment A in this memorandum. The comprehensive scope of the Plan is impressive. Included within the Plan's scope are Area-Wide Community Programs to address economic, social and education programs (Executive Summary, pp 12-13); and physical planning and environmental programs (Executive Summary, pp 14-22). Also, the Concept Plan contains "Focus Area Plans" for specified areas within Bayview Hunters Point.

In particular, there are two elements of the Concept Plan that directly relate to the Port:

1) The Northern Industrial Focus Area Plan (Executive Summary, pp. 9, 30-31), applicable to Piers 80 (portion), 90-98, and Islais Creek along with other industrial areas such as India Basin Industrial Park and the San Francisco Produce Market. The "common vision and revitalization strategy" for this area, developed through community workshops, promote economic development with an ecological emphasis; job training and employment opportunities; eco-industrial park development principles; and public amenities to facilitate transit, truck and pedestrian travel, streetscape beautification, maximum public access to open space and the waterfront; and buffering from housing, schools, parks and other people places.

2) Open Space and Waterfront (Executive Summary, p. 22). The community recommendations promote creation of a network of open spaces and recreational areas; establishing a "green infrastructure" of streets, walkways, stairways and bridges to connect open space, bay waterfront and public transit; restoration of waterfront and natural areas and completion of the Bay Trail; creation of a new large park; and improving existing parks and recreational facilities. Piers 94-96 is identified as a possible site for a new large recreational park for league sports and other facilities.

Stan Muraoka of the Redevelopment Agency's Long Range Planning and Technical Advisory staff to the BVHP PAC will make a presentation to the Commission on May 8, 2001 on the Concept Plan and, in particular, the planning context for the identified open space opportunities, and the redevelopment plan process.

Port staff has provided the BVHP PAC and Redevelopment Agency staff with copies and/or excerpts from the Waterfront Land Use Plan to ensure their understanding of the Port's adopted policies for the Southern Waterfront area that lies within the Concept Plan area. The Concept Plan's proposed open space and a major park on the Pier 94-96 Southern Marine Terminal conflicts with the Waterfront Land Use Plan, which designates the majority of this area for

existing maritime use or future maritime expansion. The Waterfront Land Use Plan does, however, recognize the wetlands adjacent to Pier 94.

Conversely, the Concept Plan's recommendations for the Northern Industrial Focus Area are very compatible with the Waterfront Land Use Plan policies, and/or the Port's approach to new leases for maritime and industrial activities on Port property. The Northern Industrial Focus Area discussion includes various proposed or potential types of projects recommended by the community. They include transit-oriented, entrepreneurial opportunities along Third Street; local hiring and training requirements for all new developments; eco-industrial park development possibilities on Port backlands area along Cargo Way; continuous public access along Islais Creek, with ties to the Bay Trail; and "Gateway" markers and urban design treatments at Islais Creek to announce arrival points into the Bayview Hunters Point community.

On April 9, 2001, Port staff submitted a letter to the BVHP PAC (see Attachment B) containing initial comments regarding the conflict between the Concept Plan's proposed park on Piers 94-96 and the Waterfront Land Use Plan. As stated in the letter, presentations to the Port's Southern Waterfront and Maritime Commerce Advisory Committees, in addition to the Commission, will be made to solicit additional public comments on the Concept Plan in a timely manner. Concept Plan presentations are scheduled on May 11, 2001 for the Maritime Commerce Advisory Committee, and on May 21 for the Southern Waterfront Advisory Committee.

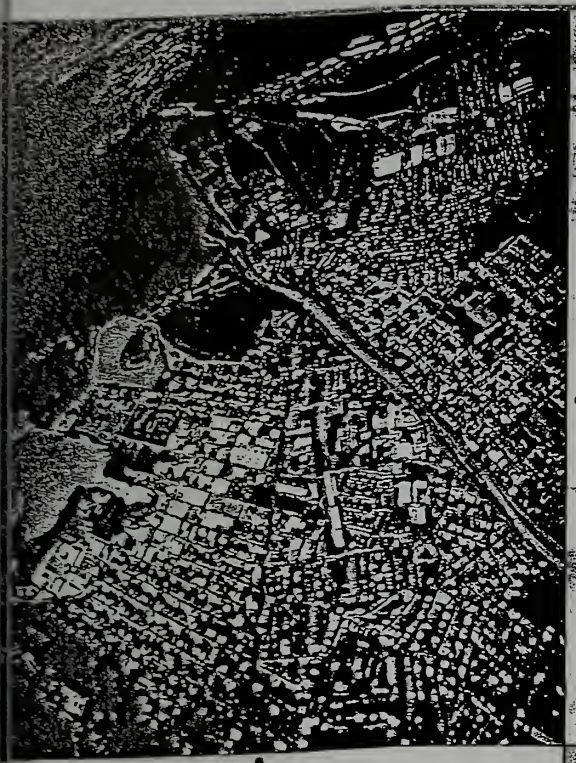
With the publication of the Concept Plan, the Redevelopment Agency staff is now in the process of reviewing it against the criteria and regulatory requirements under State Redevelopment law to produce a draft redevelopment plan. Redevelopment staff has indicated that they anticipate releasing a draft redevelopment plan in June 2001. Any public comments submitted on the Concept Plan before then will be taken into consideration. The anticipated date for adopting a final Bayview Hunters Point Redevelopment Plan is at the end of 2001, following certification of a final Environmental Impact Report.

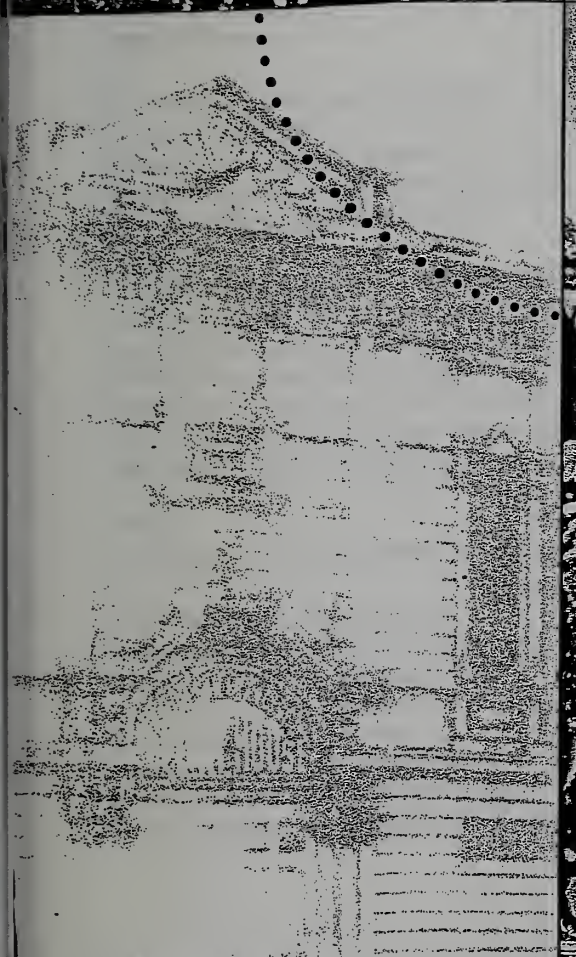
Copies of the full version of the Concept Plan, as well as its executive summary, are available from the Redevelopment Agency and BVHP PAC offices, or at their website, www.bvhp-pac.org.

Concurrent with the Concept Plan development, the Port has been working with a consultant team of Sedway Group, Martin Associates, and Jordan Woodman Dobson to assess the Port's maritime market position, and its facilities located primarily in the Southern Waterfront. This maritime industrial study will be complete and released for public review and comment next week. By providing an updated address of the maritime market-based needs for Port facilities, the study will inform the Port's comments and recommendations for the Bayview Hunters Point Concept Plan. The maritime industrial study will be circulated to the Southern Waterfront and Maritime Commerce Advisory Committees for review and comment, and is scheduled for an informational discussion on the May 22, 2001 Commission agenda.

Submitted by: Diane Oshima, Manager, Waterfront Planning
Planning & Development

ATTACHMENT A





Bayview Hunters Point Community Revitalization Concept Plan

Executive Summary

Bayview Hunters Point
Project Area Committee (PAC)
1800 Oakdale Avenue
Suite B, Room 8
San Francisco, CA 94124
www.bvhp-pac.org

San Francisco Redevelopment Agency (SFRA)
Long Range Planning/Technical Advisory Staff
770 Golden Gate Avenue
San Francisco, CA 94102
www.ci.sf.ca.us/sfra

March 2001

Bayview Hunters Point Project Area Committee (PAC)

Officers
Mohammed Nuru, Chairperson
Reverend Cordell Hawkins, Vice-Chairperson
Stephanie Ricci, Secretary
Dorris M. Vincent, Parliamentarian
Robert P. Legallet, Treasurer

Residential Tenant Representatives
Michelle Daniels
Alvin Jones

Residential Owner Representatives
Ena Aguirre
Rochelle Frazier
Ellen Hayes
Linda Richardson
Dorris M. Vincent
Jessie Williams

Business Owner Representatives
Daniel Dodt, DODT, Inc.
Michael Hamman, Michael Hamman, General Contractor
Robert P. Legallet, Industrial Property Owner
Stephanie Ricci, RWD Associates

Community Organization Representatives
Bayview Hunters Point Multi-Purpose Senior Services, Inc., George W. Davis PhD
Double Rock Baptist Church, Reverend Cordell Hawkins
Infusion One, Linda Brooks-Burton/Gaylon Logan
San Francisco League of Urban Gardeners, Mohammed Nuru
Southeast Alliance for Environmental Justice, Claude Wilson
Southeast Health Center, Ollie Burgess

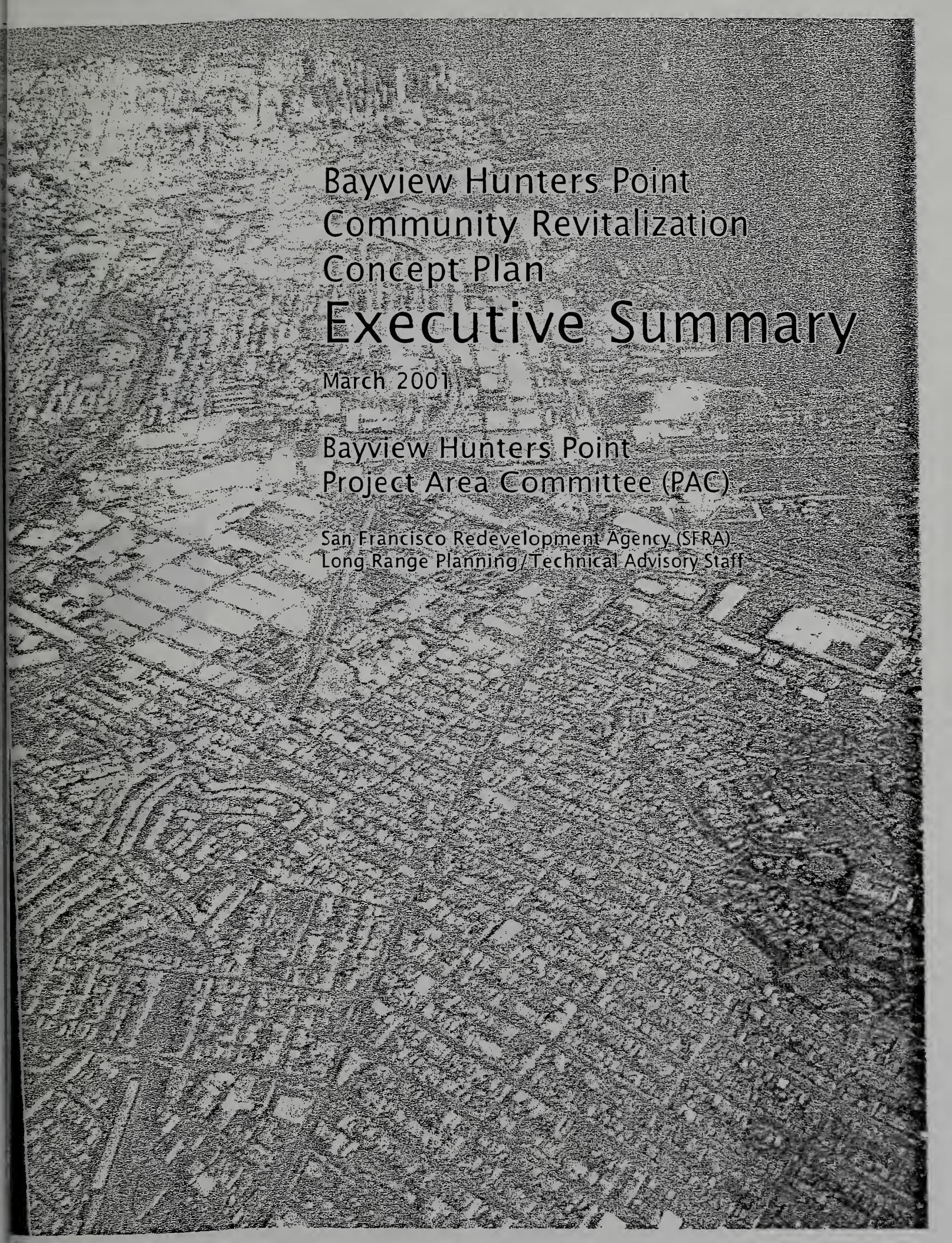
Staff
Emily Rogers, Executive Administrator/Coordinator

Past PAC Representatives:
Lisa Bauer, Waste Resource Technologies
Yvonne M. Dillon, Residential Owner
Michele Henry-Ellis, Residential Tenant/Student
Elliot Hoffman, Just Desserts
Sophenia Maxwell, Residential Owner
Alvin P. Norman, Jr., Al Norman Plumbing
Sandra Swanson, Residential Tenant/Student

Concept Plan Executive Summary Preparation:
San Francisco Redevelopment Agency (SFRA)
Long Range Planning/Technical Advisory Staff
Lead Writer/Editor: Nashua Kalil
Secondary Writer/Editor: Lisa M. King
Contributing Writer: Regina W. Davis
Maps and Plans: Lisa M. King
Graphic Design and Layout: Nashua Kalil, Lisa M. King and Linda Zane (SF Dept. of Reproduction and Mail Services)

Cover Photos:
Bob Ecker, Aerial photograph of Bayview emphasizing the Bay
San Francisco League of Urban Gardeners, Youth photograph
SF History Center, San Francisco Public Library, historic Bayview Opera House

Opposite Page:
Bob Ecker, Aerial photograph looking Downtown with Bayview in foreground



Bayview Hunters Point Community Revitalization Concept Plan

Executive Summary

March 2001

Bayview Hunters Point
Project Area Committee (PAC)

San Francisco Redevelopment Agency (SFRA)
Long Range Planning / Technical Advisory Staff

Bayview Hunters Point
Community Revitalization Concept Plan
Executive Summary

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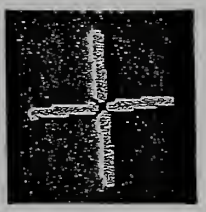

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The symbols used in this publication were chosen based on their African meanings as well as their ability to be translated into various meanings across many cultures. Symbols are tools for communication and we hope that these symbols will invite cross-cultural conversations and insights. For example, the cross with arms of equal length is an extremely old ideogram used in most cultures and found in every part of the world. In pre-Columbian America, the sign seems to have been associated to the *four points of the compass*. In the earliest Chinese ideography it appears as the sign for *perfection* and the *most perfect number*, 10. The alchemists of the Middle Ages used the cross as one of the signs for the *four elements*.

For more information on each symbol's African translation(s) please refer to Clementine M. Faik-Nzuji's book entitled *Tracing Memory, A Glossary of Graphic Signs and Symbols in African Art and Culture*, published by the Canadian Museum of Civilization, 1996. An amazing online resource for their western counterparts and associated meanings can be found at www.symbols.com

Chapter 1.
One Destiny: The Community Vision

Beyond Planning - What This Document Provides

Every community has important stories to share that together form a communal identity. From the diversity of individuals who live, work, and raise their families in Bayview Hunters Point comes this shared identity, and with it, a strong foundation for a vision to guide the future. This *Revitalization Concept Plan* tells some of these stories through an exploration of history, the natural landscape, and the cultural traditions defining this unique place. The ultimate goal is to understand this community's common destiny and for unification to gain strength.

The current community can also be understood through statistical information about individuals, households and families, employment, and economic market data. When this information is put into context and explained carefully, citizens can make more informed decisions about a collective future.[1] A clear set of goals and strategies for revitalization has emerged as a result of this process, defining a vision for Bayview Hunters Point that serves both its current and future residents.

This *Revitalization Concept Plan* is organized as a resource to serve community members beyond planning: to build consensus, address new revitalization programs, and guide proposed development according to the community vision. Each chapter in this work builds on the understanding provided by those before it. It is organized as follows:

Chapter 1. One Destiny: The Community Vision
This chapter examines the mission statement of the citizen-elected Project Area Committee, goals and strategies developed to guide revitalization, the community process that created them, and a review of the implementation steps to follow.

Chapter 2. People and Place
This chapter defines and describes the Bayview Hunters Point community through natural and cultural histories, a profile of community characteristics and emerging trends, and an understanding of economic market conditions.

Chapter 3. Building on Our Strengths
This chapter identifies the community's values, resources and traditions; defines zones of opportunity for implementing the vision and goals; and discusses how to preserve community character explored in the previous chapter. Here, the framework for sensitive creation of programs and projects is set.

Chapter 4. Area-Wide Community Programs
This chapter describes two types of area-wide programs developed during the community process. Part I addresses local economic development, social needs, and education initiatives. Part II focuses on physical development and environmental improvement. Each section reviews important facts about community needs, lists existing programs serving community goals, and provides community recommendations to guide revitalization planning, programs and implementation.

Chapter 5. Revitalizing Neighborhood Districts with Focus Area Plans
This chapter describes the planning process for neighborhood focus areas within Bayview Hunters Point. The community's area-wide recommendations for revitalization are applied in four visionary plans, looking twenty years into the future, with descriptions of potential projects.

Chapter 6. Reaching for the Future
This chapter explores how the community will work to strengthen its voice through coalition and consensus building. Steps for success and activities that will follow the publication of this *Revitalization Concept Plan* are outlined.

A Unifying Mission

The Bayview Hunters Point Project Area Committee (PAC) consists of 21 members elected to represent the community. The community has entrusted the PAC with the responsibility of providing advice, recommendations, and direction to the San Francisco Redevelopment Agency (SFRA) through a comprehensive public process. A major outcome of this process is the creation of the *Revitalization Concept Plan*. As important is the power gained through knowledge and the creation of a strong voice to bring the community's vision to fruition.

Guiding the PAC's endeavors is a Mission Statement emphasizing its role to help create and speak for a unified community, empowered to foster revitalization through a shared vision and the strategic tools of knowledge required to bring that vision to life. Recognizing the many strengths of the people of Bayview Hunters Point, the motto chosen by the PAC for this work states: "*There must be unity where there is one destiny.*"

The PAC has worked diligently over the last four years to prepare a community-based framework defining a long-term vision to guide future growth, prioritizing programs, and assessing development proposals. Recommendations and specific plans developed through this process are outlined in this *Revitalization Concept Plan* to guide implementation of the community's revitalization goals.

Adinkra symbol signifying the need for unity where there is one destiny.

PAC sponsored community meeting at the Bayview Opera House to discuss Bayview's future.

A Shared Vision

Working with the community at large, the PAC's Mission Statement provides a secure basis for the vision, goals, and objectives for revitalization in Bayview Hunters Point. This community seeks to retain its history and people, emphasize a shared destiny, and build upon its strengths to become a healthy, vital place of the 21st Century. Of critical importance to the success of this endeavor is the continued support and involvement of all community members. Three specific goals articulated through the PAC's community process include the following:

1. Future revitalization and redevelopment of Bayview Hunters Point must be guided by and benefit local residents, many of whom have worked and raised families in the area for many years.

2. The fabric of the community - its Town Center and neighborhoods, institutions and resources, character and spirit - must be preserved and strengthened through the revitalization process.

3. The physical and ecological environment of Bayview Hunters Point will be improved - eliminating hazards and relocating substandard facilities, made more accessible, landscaped and provided with amenities - to provide a safe and healthful place to live, work and raise a family.

The Community Process - Past & Present

Since the first meeting in early 1997, the PAC has had two simultaneous concerns: to remember the efforts of community leaders and citizen planning groups who preceded them, and to seek input from the community of today. The following is a brief history of the community-based processes leading to the creation of this *Revitalization Concept Plan:*

1969 The Tool of Redevelopment: 30 Years of History in the Bayview

In 1969, a collaborative was formed between the SFRA, the residents of Hunters Point Hill, and the Model Cities Program to utilize funds from Title I of the Housing Act of 1949 to redevelop Hunters Point Hill and Butchertown. The community participation process was facilitated through the Bayview Hunters Point Joint Housing Committee, an association formed to represent the interests of the Bayview community with respect to redevelopment of the Hunters Point Hill and the India Basin Industrial Park (Butchertown) Project Areas, both adopted on January 20, 1969.

1986 The Bayview District Updates the City's Master Plan

Beginning in 1986, community members engaged in an extensive effort with the San Francisco Planning Department to create the *South Bayshore Area Plan*. This plan currently guides development in Bayview Hunters Point through policies and objectives addressing Land Use, Transportation, Housing, Commerce, Industry, Recreation and Open Space, Urban Design, Community Facilities and Services, and Public Safety. Citizen input was facilitated through the New Bayview Committee, an umbrella organization and open community forum. In 1995, the City's Planning Commission and the Board of Supervisors approved the *South Bayshore Area Plan* and established the Bayview Hunters Point Survey Area.

1993 Redevelopment of the Hunters Point Shipyard

In 1993, the San Francisco Board of Supervisors designated the Hunters Point Shipyard a Redevelopment Survey Area. The Hunters Point Shipyard Citizens Advisory Committee (CAC) was formed to work with the SFRA and represent the Bayview community in the creation of a Redevelopment Plan, adopted July 14, 1997. Currently, detailed projects and programs for the Shipyard are being refined by the developer group Lennar/BVHP based on their Preliminary Development Concept Plan.

1994 Laying the Groundwork for Revitalization: The South Bayshore CDC (SBCDC)

In August 1994, the SBCDC and the SFRA entered into a partnership to reach out to the community to discuss and document ideas for plans, programs and projects using a community-based process. The SBCDC can be credited with four major accomplishments: 1) Extensive community education and outreach concerning the redevelopment process; 2) Development of an Amended Preliminary Plan; 3) Creation of a civic forum that led to the formation of the Bayview Hunters Point PAC; and 4) Creation of a *Preliminary Community Revitalization Plan* to help guide the PAC.

1997 The Project Area Committee Organizes to Define a Community Vision

On January 16, 1997, over 750 community members came out to elect their community representatives. The Board of Supervisors approved and certified the election of the Bayview Hunters Point PAC on February 10, 1997. The PAC has worked diligently over the last four years to prepare a community-based framework defining a long-term vision to guide future growth, prioritizing programs, and assessing development proposals. Recommendations and specific plans developed through this process are outlined in this Revitalization Concept Plan to guide implementation of the community's revitalization goals.

2001 The Bayview Hunters Point Blueprint for Action and Redevelopment Plan

The first steps of implementation are the creation of a community Blueprint for Action and a Redevelopment Plan. The Blueprint will be a five-year outline of prioritized projects and programs to be implemented by various City Agencies and community organizations. Redevelopment planning has been simultaneously underway during work on this *Revitalization Concept Plan*, in coordination with the PAC and its committees. In finalizing a Redevelopment Plan, the PAC will review analyses, recommend redevelopment plan boundaries and projects to be included from the *Revitalization Concept Plan*. Once details of the Redevelopment Plan are completed and approved, the PAC will then present their recommendations to the Redevelopment Agency Commission and then to the Board of Supervisors. Redevelopment Plan adoption is anticipated for the end of 2001.

Seven Revitalization Strategies

Seven major revitalization strategies have been developed to implement the community's goals by defining a range of actions that promote positive change. This change will come from both public institutions and private individuals. The strategies address complex issues like local economic development, gentrification, affordable housing, and environmental racism.

In the community's understanding, local economic development strategies provide support systems that allow locally owned small businesses to flourish. Gentrification is the rapid displacement of local working class and poor residents by wealthier individuals, occurring in many communities of color in the Bay Area today. While all communities grow and change over time, this kind of rapid displacement tends to radically change the spirit and traditions of a place. A lack of affordable housing is the most powerful negative impact caused by a booming economy that gentrifies a community instead of revitalizing it. Local businesses that can no longer afford rising rents close their doors and are replaced by more expensive shops and services. Finally, environmental racism refers to the historic location of polluting industries in lower-income communities of color who typically have not had the resources to fight for their rights and have suffered the effects of an unhealthy environment as a result. These important issues will be discussed and addressed throughout the *Revitalization Concept Plan*.

The seven revitalization strategies include:

1. Promote Local Economic and Employment Development First
   Job creation and economic vitality go hand in hand. This community desires and deserves a full range of necessary retail and commercial services, with the additional creation of local jobs that provide a living wage and opportunities for advancement. The cornerstone of this effort is the creation of a vital, convenient Town Center. Revitalization activities will target the development of these businesses and services, in part by defining needs and identifying opportunity sites. The promotion of entrepreneurial activities in the community is included and encouraged.

2. Improve Education, Training and Employment Opportunities for Residents
   These issues must be addressed together in order to provide economic benefits to all area residents. Benefits available as a result of the economic vitality in the Bay Area must be assessed to provide connections between residents, merchants and employers. Local business owners can be supported through a well-coordinated network that promotes community-based economic revitalization and growth. Residents' childcare and youth development needs require thoughtful solutions and working parents supported with innovative programs. Meaningful job training for employment opportunities and access to employment information are required to support individuals and families. Coordinated access to the necessary academic skill development and resources, accompanied by required hiring goals, is needed for all Bayview Hunters Point residents to fully and equally participate in the workforce and society at-large.

3. Focus Coordinated Investments in High Priority Areas Where They Will Have the Greatest Visibility and Impact
   Neighborhood focus areas are created where a variety of opportunities are linked to create a context for the realization of revitalization goals. This will best occur through coordinating investments in concentrated areas of high visibility. Private projects in the community should maximize public benefits, while public investments can provide the basis for positive change and further response by the marketplace – this is referred to as "leveraging" one's investments. In turn, as these focus areas grow, they prompt a chain-reaction of other investments throughout the community. Benefits available from major market-driven projects and public initiatives coordinated by the City of San Francisco will be avidly pursued.

4. Encourage Civic Participation Through Interactive Public Processes and Foster Cultural Development through the Arts
   Maintaining a civic forum will encourage open communication and active participation among all community members, including the service organizations and City agencies that serve them. This forum will strengthen community identity through cultural arts programs, historical displays, and other forms of activism. New opportunities for expressing the rich cultural identity and diverse heritage of Bayview Hunters Point must be created to keep this spirit of the community strong and increase civic pride. Through these combined efforts, new residents have an opportunity to become true neighbors.

5. Conserve Existing Housing and Provide New Housing

Bayview Hunters Point consists of historically stable residential neighborhoods that have the highest home ownership rates in the City of San Francisco. However, the stability of these neighborhoods are threatened by:

- A lack of affordable housing linked to increasing housing costs and high demand causes all housing to become increasingly unavailable for many existing residents and creates a fear of gentrification in the community;
- A lack of variety in housing unit types that serve the needs of all age groups and families, tending instead to developments of single focus "one-size-fits-all" housing;
- A lack of maintenance programs to help aging or at-risk homeowners; and,
- The lack of a widely publicized set of programs linking residents who wish to own their homes with lending programs and local opportunities for homeownership.

The negative impacts of gentrification causing the displacement of San Franciscans throughout the City can be proactively addressed and remedied by setting clear mandates for housing conservation and affordability, linking residents to information and resources necessary for home ownership in the community, and helping the most vulnerable residents in Bayview Hunters Point with assistance to maintain their homes.

6. Address Environmental Problems and Identify Opportunities That Increase the Quality of Life

The long industrial history and concentration of polluting facilities in the area has resulted in a variety of environmental problems including contaminated sites, illegal dumping on vacant lots adjacent to industrial areas, and conflicts in land use with residential neighborhoods. The negative impacts of this environmental degradation on residents' health are a matter of grave concern. The revitalization of Bayview Hunters Point must rectify these environmental problems through the best available health programs and remediation (clean-up) technologies. New industrial processes must be put into place and new industry limited to technologically advanced plants that are ecologically friendly and designed with a team approach including community members, scientists, artists, and engineers. As existing businesses evolve, they must be held to high environmental standards. Sites in special areas, such as the Town Center, along the waterfront, and in obsolete industrial areas, should be thoroughly cleaned-up and redeveloped to provide safe public access and create new uses that benefit the entire community.

7. Improve the Physical Environment and Transportation Systems

A key strategy for encouraging revitalization is the improvement of physical and environmental systems of the community. Sensitive planning is required in order to make certain that new development and infrastructure alterations complement the existing urban framework and insure public safety while respecting cultural and historical character.

Infrastructure investment in Bayview Hunters Point by the City and State is a priority for the community. A number of recent initiatives seek to reinvest in the area while rectifying problems of access and conflicts in land use:

- The new Muni Third Street light rail line, projected to begin operations in Bayview by 2004
- A proposed new Bayshore Caltrain station serving the southeastern City
- Pedestrian improvement projects in the Town Center and along the Third Street Corridor
- New truck routes to alleviate noise and traffic conflicts in residential neighborhoods
- The construction of wetlands and public open space along the waterfront and at Pier 98
- Extensions of the Bay Trail and improvements to India Basin Shoreline Park

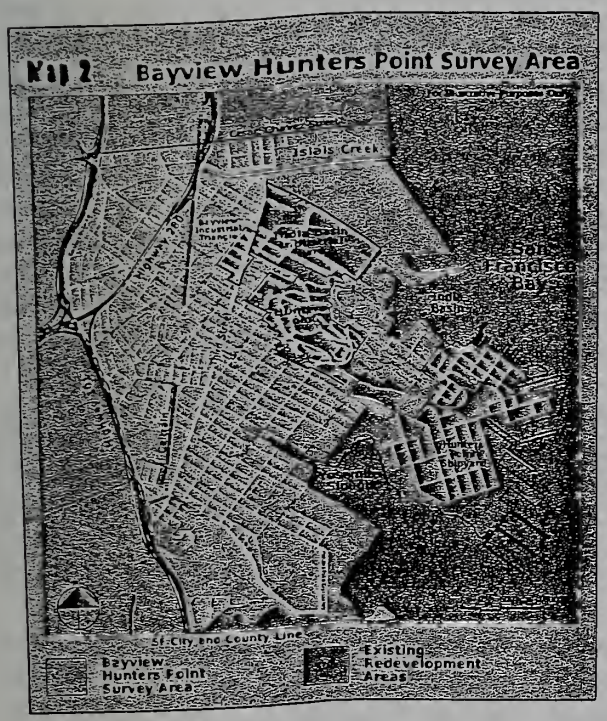
These efforts represent a commitment by the public sector to improve the quality of life for the residents of Bayview Hunters Point. They will be supplemented by a variety of other projects that enhance the physical environment to provide a safe, clean and attractive setting for community revitalization and well being.

Community members discuss strategies for increasing local employment opportunities at PAC sponsored community workshop.

Chapter 2.

People and Place:

The Bayview Hunters Point Community



Map 5
Land Characteristics of Bayview Hunters Point
Highway 280
San Francisco Bay
Contour Lines Illustrate Bayview's Topography in 10' Intervals

Location & Natural History

Bayview Hunters Point is the name chosen by residents for their community. In the past, the area has also been known as "South Bayshore." Many residents simply call their community "the Bayview," one of the largest communities in the City and County of San Francisco.

When redevelopment planning for revitalization is begun in a community, the boundaries of a "survey area" are defined. Initiated in January 1995, the *Bayview Hunters Point Survey Area* is bounded by San Francisco Bay to the east, the City and County of San Francisco border to the south, US Highway 101 to the west, and Cesar Chavez Street to the north. Three existing redevelopment project areas are within or adjacent to the survey area: the Bayview Industrial Triangle (BIT), the India Basin Industrial Park (IBIP), and the Hunters Point Naval Shipyard Project.

The landscape of this community is uniquely endowed with over 14 miles of bay coastline with beautiful open views and a milder climate than many parts of the Bay Area. Prior to the arrival of European, Asian or African American peoples, the landscape was a gently sloping coastal prairie grasslands and rich grazing site for wildlife. A creek wound its way eastward through the rolling hills, collecting several smaller drainages, finally making its way to the bay where a large salt marshland with tidal flows formed.

Remnants of the historic marshland still exist, though much of the existing waterfront area is artificial fill dirt on top of this original silty clay bay mud. Because the deepest water of any coastline in the Bay occurs just offshore here, there was a great deal of incentive to fill in the muddy delta caused by the creek and other shoreline areas to increase speculative and industrial development opportunities related to shipping.

The "sense of place" felt in Bayview Hunters Point has much to do with the combination of its rolling topography, watershed patterns, bayshore frontage and splendid views to the water as depicted in Map 5, *Land Characteristics of Bayview Hunters Point*. The three hills in the area, from north to south include Silver Terrace, Hunters Point Hill, and Bayview Hill.

The People of Bayview

Bayview Hunters Point is one of the fastest growing, most ethnically and economically diverse areas in the City of San Francisco. Approximately 34,000 persons live in Bayview. This is a dynamic community, growing over 11 percent during the 1990's, and 29 percent during the 1980's. This growth is expected to continue over the next five years, with an anticipated growth rate of at least 6 percent from 1999 to 2004.[1] Historically diverse, the population of Bayview Hunters Point became predominantly African American during World War II. African Americans remain the largest ethnic group, comprising approximately 63 percent of residents in 1990 and a projected 55 percent today. Asian residents represented an estimated 22 percent of the community in 1990. More than half of all Asian residents were Chinese, one-fifth Filipino, one-sixth Southeast Asian, and one-tenth Pacific Islander (typically from Samoa).

Households and Families

Bayview Hunters Point has a comparatively large number of households defining themselves as families: a total of 89 percent of the community's households. Whether married-couple or single head of household, most family households have children.

Educational Attainment

Literacy skills and a high school diploma are the most important elements connecting Bayview Hunters Point residents with the prosperity offered by the new economy. Ten years ago, almost 36 percent of adults (age 18 or older) in the community had not obtained a high school diploma, compared with 21 percent of all San Franciscans of this age. Thirty percent completed high school and went no further, while 12 percent earned a college degree of some kind and only 2.6 percent completed advanced degrees.

Employment of Residents and the Local Job Market

The *Year 2000 Census* will provide a wealth of information about trends in employment for the residents of Bayview Hunters Point. The most recent local data available for review is from a 1996-1997 analysis for the Muni Third Street Light Rail Project.[2] In this study, an employment profile made the following points:

- The overall employment patterns for Bayview Hunters Point residents mirrors employment in the rest of San Francisco, working in similar locations and similar jobs as the City's general population.
- Women constitute an increasing percentage of the work force, for all age groups and ethnicities; this requires special attention to accessible childcare services.
- The proportion of residents aged 20 to 34 years is expanding; this age group is the foundation of the employment base.
- Black females and Asians appear to comprise the highest percentage of this expanding group.

Income and Poverty

The community of Bayview Hunters Point is much like a small town; many residents are doing reasonably well, some are affluent, and others live close to or below the poverty level. Compared to the City of San Francisco, there are proportionately more persons living below the poverty level due to the significant number of households receiving economic assistance and living in affordable housing developments. However, the community is generally integrated economically, an increasingly rare characteristic of San Francisco neighborhoods.

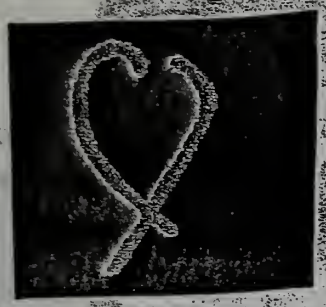
Residential and Housing Characteristics

Bayview Hunters Point has the City's highest rate of homeownership, with approximately 55 percent of the housing stock owner-occupied compared to a City-wide average rate of 35 percent. African Americans represent an estimated 61 percent of these homeowners, remaining relatively stable at about 2,700 units between 1980 and 1990. White residents comprised 18 percent and Asian residents another 17 percent of homeowners. Renters in the community are also largely African American, at 81 percent of all renters.

Bayview's diverse residents and stakeholders come together at the 2nd Annual Third Street Faire.

[1] *All projection are based upon the Association of Bay Area Government's (ABAG) "Projections 2000" publication.*

[2] Economic Revitalization Strategies Report Working Paper #6, *ICF Kaiser, et al, January 1998.*



Chapter 3:

Building On Our Strengths

Building on Today's Strengths for a Visionary Future

By focusing upon the strengths of positive elements related to existing community resources and traditions, and building intelligently upon them, plans will be meaningful and empowered. This is not only the overwhelming will of the community, it is an approach that makes *practical* sense. Growth cannot be directed from outside the community and expect success; development must be sensitive to cultural traditions, build upon valued resources, and engage residents through inclusionary policies and processes. This is the ultimate vision of a revitalized Bayview Hunters Point.

Unifying Cultural Traditions

The greatest strength of this community is the people themselves.

Political Activism

One of the greatest resources of Bayview Hunters Point is the political activism of the community. Bayview is a place where neighbors engage other neighbors and work towards resolving issues to attain common goals. Inclusive *processes* are as important as specific revitalization programs or projects.

Gathering

Members of the community have strongly voiced their desire for the addition of meaningful parks, plazas and cultural centers that provide meeting and recreational opportunities for young and old alike. There is also a unified community voice requesting the enhancement and development of maintenance programs for existing public spaces.

Artistic Expression

The strong presence of existing murals on public buildings celebrates the past and present in a powerful manner. Residents have called for arts-based programs and projects. Positive community identity and civic pride is fostered by physical public artworks. Performance-based art provides opportunities for both collective and individualized cultural expression.

Spirituality & Faith

Faith-based traditions are also strong in Bayview Hunters Point. There are numerous churches and faith-based institutions, often with long histories of civic activism, located throughout commercial and residential areas. These institutions provide cohesiveness and leadership.

Community Service

This community, characterized by families, children and elders, places great importance upon building the capacity of existing programs that serve Bayview Hunters Point. One avenue for revitalization is strengthening existing programs, creating central facilities that bring them together and help them share resources to serve the community in a more powerful way.

Environmental Awareness & Activism

Fighting against polluting industries and the dumping of toxins into the local environment has brought this community together in a powerful way. Community leaders have pushed for the removal or mitigation of polluting industries and public facilities located in the Bayview.

Cultural Diversity & Commonality

Even while working to create an African American center in Bayview, this community values its diverse population — present and past. The unique blend of ethnic heritage that defines this community includes Italian and Maltese, Chinese and Vietnamese, Samoan and Filipino, Mexican and Pueno Rican. Each brings special stories, traditions, art, and history that enrich daily life.

Community Form as the Setting for Civic Traditions

The structure of a community has much to do with how neighborhoods and neighbors relate as a whole.

Community Structure and Land Use

The Bayview Hunters Point community has many attributes of a small town that residents wish to preserve and strengthen. Map 10, *Community Structure*, shows the Town Center where locally serving retail shops and commercial businesses are located along Third Street and other main streets, interspersed with civic and religious institutions. Residential neighborhoods extend from the central corridor of Third Street.

Landmarks and Historic Resources

Historically, Third Street has been the heart of Bayview, with the once-vital commercial district and civic facilities. Among them are the historic Bayview Opera House, the Joseph Lee Recreation Center, the Southeast Community Facility, the Anna E. Waden Library, a number of community churches and a host of non-profit organizations providing valuable services to area residents.

Residential Neighborhoods as a Community Resource

This community has the highest percentage of homeowners compared to others in the City; building upon existing assets clearly applies to stable residential areas. Bayview Hunters Point is comprised of several identifiable residential neighborhood districts with many smaller enclaves. Most notable in defining the residential geography are Hunters Point Hill, Silver Terrace, and Bayview Hill.

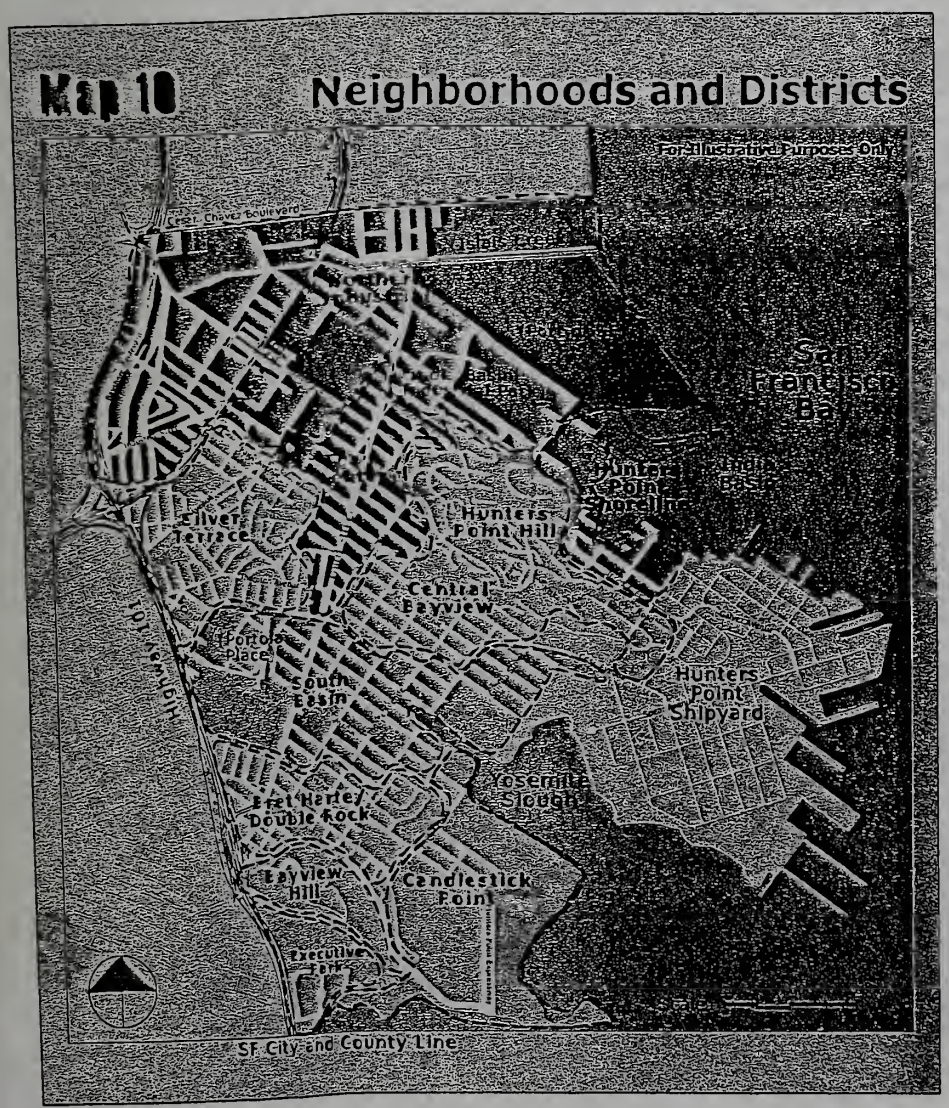
The Environment and Natural Resources

The characteristics of the natural and built landscape are another critical aspect of community form and heritage that should be preserved and strengthened. For example, street trees tend to include several species of magnolia, reflecting the Southern heritage of many residents. Another example includes Bayview views to the Bay that are provided by the varied topography.

Community Land Use Patterns and Issues for Problem-Solving

The key problems with land use patterns in Bayview Hunters Point include introduction of new forms of development into the older historic framework and conflicts between industrial and residential areas, such as the barrier formed by the South Basin Industrial area isolating the southern half of the community. The Town Center and residential neighborhoods of Double Rock/Bret Harte and Silver Terrace experience heavy truck traffic on increasingly residential streets bisecting the community. Community leaders have worked with City staff to identify how these impacts can be mitigated through alternative trucking routes, traffic calming street design and the conversion of defunct facilities into new residential areas.

A major issue for community residents is the fear of displacement. As affordable housing disappears in the City at large, with families and artists displaced from the South of Market neighborhood, and newcomers to San Francisco find little in the way of rental accommodations, there will be an increasing pressure placed upon Bayview. Many older homeowners are taking advantage of the seller's market advantage to capitalize on their greatest investment: their homes. The industrial areas and their businesses can become places that can give back by cleaning up their practices and providing job opportunities for Bayview residents. These areas are emphasized in this *Revitalization Concept Plan* as economic and environmental opportunities. Both industries and residents can benefit from embracing emerging environmental technologies and industries. Dispelling environmental myths through continued research and education is an important factor in revitalizing the image of the community. Encouraging redevelopment of these areas will serve to increase the job base, provide new and improved public access to the waterfront, and increase the tax base that both the City and the community reinvest into Bayview Hunters Point.



Map 10, *Neighborhoods and Districts*, shows the Town Center where locally serving retail shops and commercial businesses are located along Third Street and other main streets, interspersed with civic and religious institutions.

Preserving Community Character With Focused and Strategic Investments

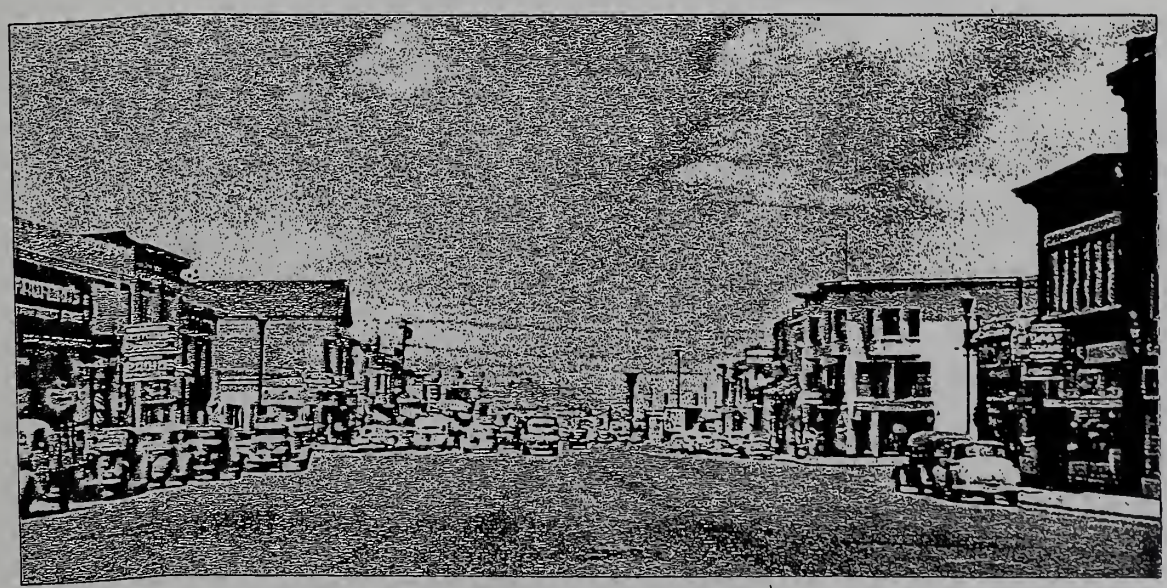
In keeping with the philosophy of building on the community's assets, this *Revitalization Concept Plan* is concerned with preserving the positive aspects of the existing community character. The stimulation of social and economic benefits through new development must include processes related to community-building and preservation to meet the goals of creating a clean, safe and healthy place to live, work and raise one's children.

The most compelling strategy is to build on community strengths through focusing on existing assets. By redeveloping key underutilized parcels in the heart of the Town Center in conjunction with the Muni Light Rail project, a critical phase of revitalization will be achieved. Economic strengthening through new development is often seen as being at odds with preservation goals. However, there is a clear directive to preserve existing assets that provide cultural context and character of place. This includes projects like the rehabilitation and/or expansion of historic resources like the Bayview Opera House and other buildings. Strengthening also refers to building connectivity into the area through enhanced public infrastructure, streetscape design for pedestrians and bicyclists, and greenway paths throughout the community.

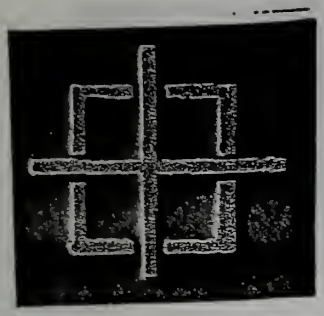
Revitalization efforts should build upon Muni's Third Street Light Rail Project with coordinated opportunities for transit-based, pedestrian-oriented development and potential for wiring the community for computer-related economic development. The mix of residential neighborhoods and areas of industry can be capitalized upon if direct employment connections to residents are emphasized and good planning involved. Using a public workshop process for developing specific plans around the stations that build upon the concepts illustrated within this Plan will ensure the essential character of Bayview Hunters Point is preserved and amplified. While major physical and economic improvements are necessary for the commercial district and should be focused around light rail stops along Third Street, preserving the smaller scale of neighborhood character is also an important priority.

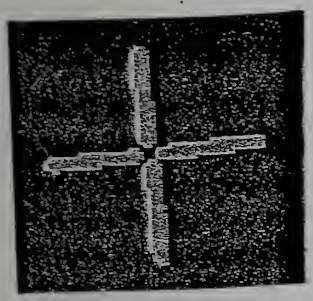
Some revitalization measures will not require large-scale change, but instead focus on improving existing conditions. For example, many community members feel strongly about preserving the prevailing land use patterns because it is what makes Bayview Hunters Point unique. As long as the industrial businesses become cleaner operations, provide solid buffers for adjacent properties, and keep trucks off residential streets, most residents don't seem to mind living near light industry. Historic buildings along the Third Street corridor require restoration to advance vitality goals through the creation of a uniquely marketable identity. New development must take architectural harmony into account. As well, existing parks and playgrounds can be remodeled, but maintenance plans and funding are required to ensure their continued benefit to the community.

The following chapters will first define area-wide recommendations for programs and policies and then follow with detailed development visions in the form of Focus Area Plans that reflect the community's recommendations at the neighborhood scale. Finally, steps towards implementation of projects and programs advanced within the plan are defined, including a process for prioritization. It is the intent that these ideas presented in the Revitalization Concept Plan embody the spirit and enhancement of Bayview Hunter Point's unique character while stimulating the right kinds of economic investment, all in keeping with the community's vision, goals, and strategies for revitalization.



3rd Street, looking north from Revere Street, 1944. Photo courtesy of the SF History Center, San Francisco Public Library.





Chapter 4.
Area-Wide Community Programs for Bayview Hunters Point

Meeting the Challenges of Revitalization Programs for the Community

The committees of the PAC have worked with community members, engaged consultants to help provide information, and discussed the most productive means of fulfilling the community's vision and goals for revitalization. The guiding principles of building upon community strengths and preserving the essential character of people and place have been established. The challenges, needs and issues for problem solving are addressed with a series of program recommendations made during community workshops and other public discussions.

This chapter makes recommendations through the following subsections:

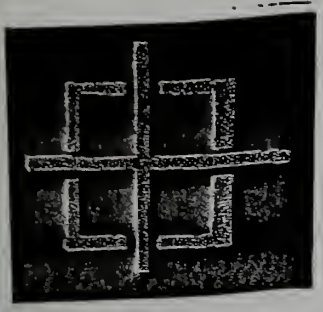
Part I: Economic, Social and Educational Programs for Bayview Hunters Point

A. A Visionary Framework for Local Economic Development
B. The Link Between Childcare, Education, Training and Employment
C. Programs for Strengthening Our Youth
D. Programs and Services for Our Community Elders
E. Public Safety and Community Well-Being

Part II: Physical Planning and Environmental Programs for Bayview Hunters Point

F. Transportation and Infrastructure Improvements
G. Environmental Health and Remediation
H. Housing and Mixed Land Uses
I. Open Space and the Waterfront

In Part I of Chapter 4, important economic, social, educational, and public safety goals for the community are studied and recommendations formed for each. Part II addresses the physical revitalization of Bayview Hunters Point including transportation and infrastructure, environment and health, housing, and open space programs.



Chapter 4. Part I:
Economic, Social and Educational Programs for Bayview Hunters Point

A. A Visionary Framework for Local Economic Development

This community understands how economic development must build upon existing assets and resources — both cultural and physical — to serve the people and preserve the unique sense of place of Bayview Hunters Point. The marketability of a vibrant economic district convenient to residents must be centered upon local cultural identity, community preferences, and shared values. This understanding defines the basic approach for meeting the important goals of business retention and enhancement.

Building upon the cultural assets explored in Chapter 3, new economic development programs must respect the community's values and accommodate its diversity to set the physical stage for visionary economic development in Bayview Hunters Point. Emphasizing the unique qualities of place takes advantage of the Bayview's small town form with its central civic-commercial heart, historic commercial corridor, and varied areas of industry.

The community's recommendations create a framework for local economic development that can be summarized as:

- *Maximizing benefits from incentive programs and projects to support local economic development, existing local businesses, and residents*
- *Emphasizing a comprehensive and coordinated approach to economic development utilizing a community-based process*
- *Focusing revitalization efforts in priority areas that take advantage of the transit system and development market, especially in the Town Center*
- *Creating an African American identity for the Town Center while serving local retail commercial needs to create a convenient, diverse marketplace*
- *Building upon local ecological and architectural character of Bayview Hunters Point, and bringing cultural identity into the physical environment through public art*

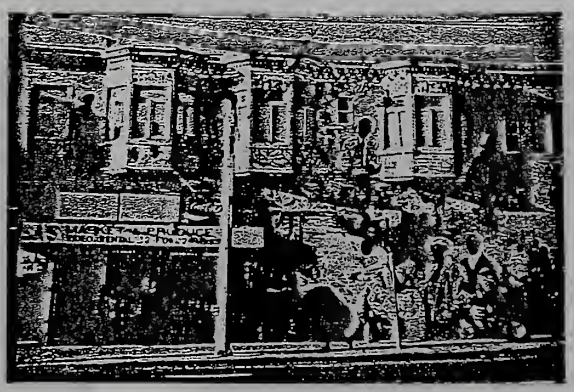
B. The Link Between Childcare, Education, Training and Employment

Connecting local residents to economic growth and employment opportunities is one of the primary objectives of this Revitalization Concept Plan. Job creation in Bayview Hunters Point has not engaged local residents to the degree desired by community leaders. There are several probable reasons for this lack of engagement: people are not trained for specialized trades and have little access to union apprenticeships; youth are lacking literacy skills and there are not enough resources directed to their development; connections between job training and actual employment need strengthening; and coordinated childcare or other supportive services are often not available. These are particularly true for the most vulnerable of the unemployed — youth and single mothers with young children.

With the flood of new jobs coming to the area and the larger requirements of an information knowledge-based economy, a comprehensive approach linking education and training to childcare and employment for Bayview Hunters Point residents is critical.

The recommendations to forge links between childcare, education, training and employment can be summarized as:

- *Understanding and responding to the special needs of under-employed residents*
- *Improving job training links to education*
- *Improving job training links to employment*
- *Requiring private industries to support community initiatives*
- *Requiring publicly-funded project sponsors to provide high-level employment training, career development, and enhanced childcare*



C. Programs for Strengthening Our Youth

The community's success in educating, training and retaining its youth is of the utmost importance. Superior educational services must be offered to all young people, help bring out their unique talents, and develop the skills that will bring them success in the new economy. All residents and community leaders must actively advocate for supportive social and family services to strengthen youth so they may grow into productive happy adults. And most importantly, the community's young people must be seen as full partners in the revitalization of Bayview Hunters Point.

The recommendations made by the community to strengthen our youth can be summarized as:

- *Improving our community's schools and increasing educational opportunities for local youth, especially those most at-risk for dropping out before achieving basic literacy skills and a high school diploma*
- *Improving education links to higher education and career development, including mentoring and entrepreneurship programs*
- *Improving existing youth services by building efficiency and accountability into publicly funded operations*
- *Advocating for increased recreation, culture, and entertainment facilities*

D. Programs and Services for Community Elders

Approximately 17 percent of area residents are 65 years or over. These figures are expected to increase as the population ages. The ethnic breakdown of seniors in Bayview Hunters Point is approximately 64 percent African American, 16 percent Asian, 14 percent White, and 6 percent Latino. The typical profile of a Bayview Hunters Point senior is an African American homeowner with an average annual income of $15,000 or less. Comprising 60 percent of all area homeowners, community elders have been described as "house rich but cash poor." In 1996, over 30 percent of these seniors were eligible for Medi-Cal, compared to 20 percent Citywide.

The recommendations made by the community can be summarized as:

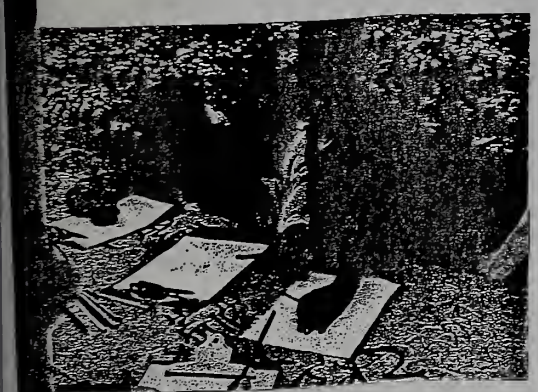
- *Providing for senior resident's unmet Health Care needs*
- *Providing for financial management and case management needs*
- *Increasing transportation services for seniors*
- *Improving housing assistance and providing affordable housing*
- *Providing for fresh food needs and improving nutrition services*
- *Creating a Senior Center*
- *Increasing employment opportunities for seniors*

E. Public Safety and Community Well-Being

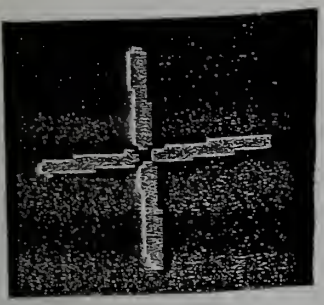
Improving public safety and security is another top concern for community leaders, business owners, and residents alike. In every public workshop and forum, reducing crime and creating a feeling of community well-being was determined a cornerstone of revitalization planning for Bayview Hunters Point.

The recommendations made by the community for increased public safety and well-being can be summarized as:

- *Strengthening public safety programs through education, outreach, and community participation*
- *Creating better relationships with community-based police and providing community service arrangements for minor offenders*
- *Making public safety improvements that enhance the real and perceived environment of the community*



Right three photos courtesy of Young Community Developers, the Port of San Francisco, and Bayview Hunters Point Multipurpose Senior Services, Inc.



Chapter 4. Part II

Physical Planning & Environmental Programs for Bayview Hunters Point

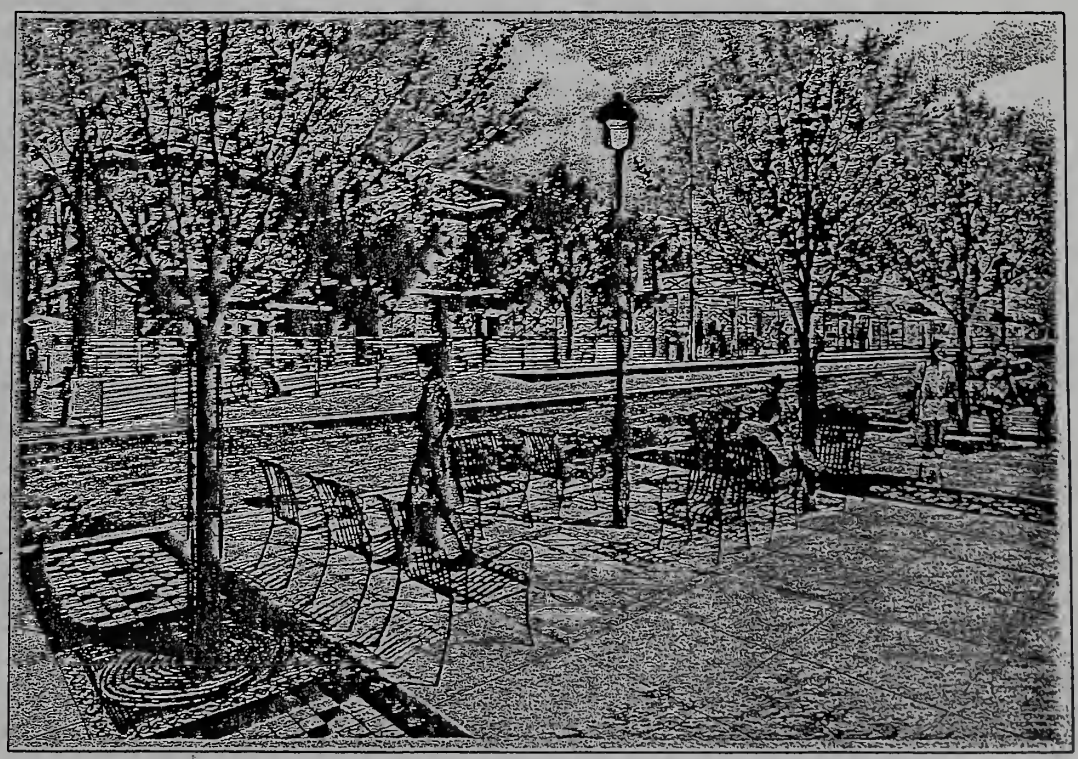
F. Transportation and Infrastructure Improvements

Transportation planning focuses upon the efficient movement of people and goods. It also refers to the human quality of experience while in the public space of the street. The Bayview Hunters Point community seeks a balance between pedestrians, bicyclists, automobiles, transit vehicles, and trucks through comprehensive planning efforts. Beyond traditional transportation planning, important issues identified by the community include improving the physical environment in the Town Center, increasing the livability of residential neighborhoods, and enhancing public safety through improvements made in public spaces. The physical quality of streets also provides an important opportunity to express local cultural identity through artful amenities, landscape, and design standards.

Infrastructure for revitalization includes more than streets and transit facilities: lighting, utility networks, sewers and storm drainage systems are also important. The recommendations formed by the community address the following:

- *The Muni Third Street Light Rail Project*
- *The Bayview Connections Plaza and Pedestrian Plan*
- *Regional Transit Service*
- *The Community Truck Route Plan*
- *Residential Streets and Traffic Calming*
- *The Community Bicycle Plan*
- *General Parking Issues*
- *Public Utility and Infrastructure Improvments*

While improving the physical environment is a priority, a comprehensive effort must address social and cultural needs. Bayview Hunters Point has suffered from a lack of convenient connections to the rest of the City for much of its history, impacting the 95 percent of employed residents who currently work outside the community. Residents must also travel to other neighborhoods because of missing local services and commercial outlets. This need to travel particularly affects the most vulnerable members of society: the elderly and poor who do not have access to automobiles or who cannot drive.



Artist's rendering of streetscape improvements associated with the Third Street Light Rail Project in Bayview Hunters Point.

• Muni Third Street Light Rail Project

Muni has been advancing the planning and design of a new light rail line along Third Street since 1992. One of the main reasons for giving priority to rail on Third Street over other corridors in the City was to encourage economic development in Mission Bay and revitalization in Bayview Hunters Point. The light rail line will replace current bus service on Third Street by the year 2004, connecting the community to the Bayshore Caltrain station on the southern end of the line, and to the Market Street subway and downtown San Francisco on the northern end.

The community recommends:

+ Muni must continue to involve the community in the physical planning and design process to ensure all needs are successfully met. A coordinated approach involving City departments (DPW and DPT) includes defining functional details at stations, signage and information availability in various languages, seating and other street furniture, and connectivity to other modes of travel.

+ Muni must coordinate construction schedules with local businesses to reduce and mitigate impacts during completion of the Light Rail line. This includes comprehensive measures to reduce negative impacts throughout the community.

+ Muni must work with local job training programs to bring Bayview Hunters Point residents into the job pool offered through the light rail project. This includes working with trade unions and others to ensure maximum opportunities for on-site apprenticeship training programs during construction.

+ Muni and the Public Arts Commission should continue to involve local artists and youth in the creation of public art projects associated with the light rail project.

• Bayview Connections Plaza and Pedestrian Plan

Initiated in March 1999, the Bayview Connections Project brought city staff and community members together to design pedestrian and streetscape improvements connecting Muni transit stops with retail, service, cultural and residential uses in the heart of Bayview Hunters Point. This comprehensive planning effort was funded with a grant obtained by the Metropolitan Transportation Commission (MTC).

A capital funding application was submitted to MTC's *Livable Communities Capital Funding Program* in December 1999, co-sponsored by Muni and the Bayview Hunters Point PAC. The application competed successfully and was awarded capital funds in the amount of $1,874,276 on April 26, 2000. The City is prepared to provide $395,000 in local matching funds.

The community recommends:

+ The City should collaborate with the Community to obtain grants to complete the Bayview Connections Plan.

+ The City should identify additional funding to complete the design, planning, and construction of improvements in Area 2 adjacent to and involving the Bayview Opera House.

+ The City must coordinate construction schedules with local businesses to reduce and mitigate impacts during construction. The City must also work with local job training and youth internship programs to bring Bayview Hunters Point residents into the job pool offered through the Bayview Connections project.

+ Muni and the Public Arts Commission are encouraged to involve local youth and artists in the creation of public art within the Bayview Connections Plan project.

+ The community involvement process used to develop the Bayview Connection Plan should serve as a model for all revitalization development.

• Regional Transit Service

The Caltrain Commuter Rail Line passes through Bayview Hunters Point parallel to and directly west of Third Street in a below-grade right-of-way. The only station serving the community is located at Paul Avenue, with little service and low use primarily due to inaccessibility and lack of connections to the heart of the Bayview. The City is interested in moving the station to a location in the vicinity of Oakdale and Palou Avenues, directly adjacent to the Southeast Community Facility where it will offer improved service for Bayview Hunters Point residents, employees, students, and visitors. This location is a less than 10-minute walk from Third Street, immediately adjacent to one bus line, and one block away from two other lines.

The community recommends:

+ As the primary transit provider, Muni must ensure reliable and regular service to major City destinations such as employment centers, college campuses, cultural sites, and recreation areas for residents of the Southeast part of the City. Multi-modal transit connectivity must be built into all future planning efforts.

+ A new Caltrain Station should be built adjacent to the Southeast Community Center. Caltrain must ensure easy accessibility through well-designed, thoughtful site planning. Involve the community in the design process to ensure all needs are successfully met.

In the meantime, *the existing Paul Avenue Station should be renovated with a contemporary station design, ADA-acceptable ease of access, and multi-modal connectivity.*

+ The City must continue to provide special buses and coordinated transit connections to BART, Caltrain Stations, and remote parking lots wherever possible via Muni and shuttle services on football game days.

+ The community supports the creation of a ferry service plan in conjunction with a revitalized waterfront, providing landings in desirable locations such as India Basin and Yosemite Slough.

• Designated Truck Route Plan

Trucks are an unavoidable part of the industrial economy in Bayview Hunters Point. As industrial areas revitalize and change simultaneously with residential neighborhoods and the Town Center, clearly designated truck routes have become a priority. In addition to designating routes is the need for appropriate design and engineering standards.

Map 17, *Enhanced Truck Route Plan for Bayview Hunters Point*, defines a potential system of routes has been identified that takes advantage of major arterial streets currently serving industrial areas while avoiding residential neighborhoods. Primary routes are conceived as parkways with trucking industry standards for signage and visibility overseen by engineers with the City's Department of Parking and Traffic. A minimum landscape buffer would also be required. A comprehensive signage system would direct truckers away from inappropriate locations and onto clear and efficient routes connecting to and from the interstate system. Landscape buffers protecting residential neighborhoods would serve to reduce noise, dust, pollution, and visual issues. Traffic diversion from residential areas is discussed in the next section on traffic calming.

The community recommends:

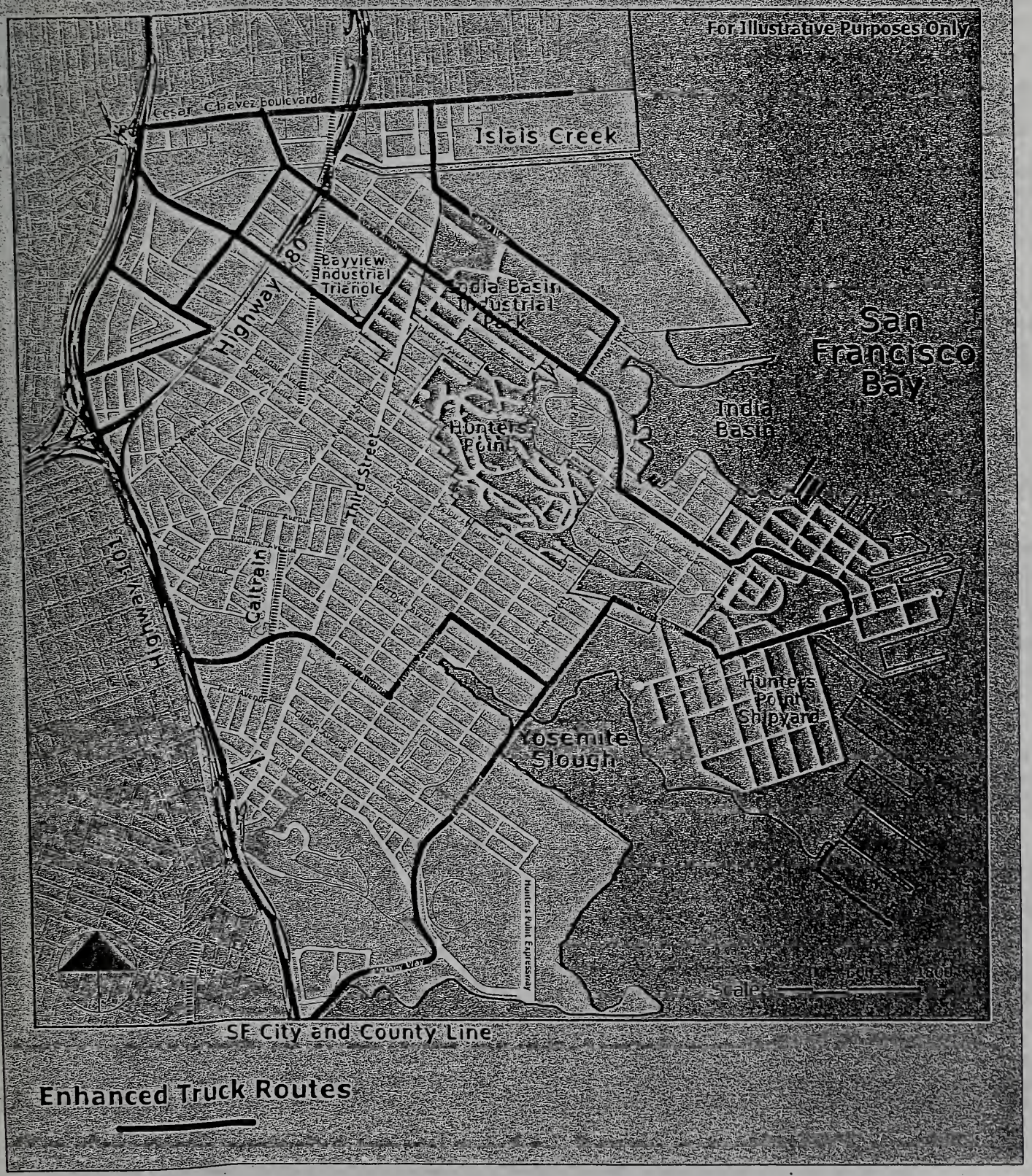
+ Require the City and State to work together on improving truck access at the interstate system. Inadequate ramps must be upgraded, especially with new impacts resultCommunity and Hunters Point Shipyard.

+ The City must research and provide street engineering specifications developed specifically for trucks to construct the parkways. Comprehensive signage programs are an integral part of this work.

+ Specifications for the Truck Parkway system should include wide curb cuts and medians where feasible. Pedestrian crosswalks should be provided at major streets, incorporating rumble strips to slow traffic.

+ Landscape buffers must be at least 15'0" in newly developed areas, built into projects in the first phases of development and maintained by the landowner. The buffer should be designed with berms where appropriate and include trees and shrubs with dense foliage. The City should work with property owners and businesses in older industrial areas with special physical situations, also helping to locate funds for existing businesses to comply with the landscape requirements.

Map 17 Enhanced Truck Route



• Residential Streets and Traffic Calming

"Traffic Calming" refers to a variety of physical measures intended to reduce the dominance of automobile and truck traffic in urban neighborhoods. Traffic calming measures act to reduce the speed of automobile traffic and the amount of non-local traffic on residential streets. These measures benefit communities by reducing the ill-effects of automobile traffic such as noise and pollution while improving safety and ambiance. Physical improvements suggested by the community during public workshops generally employ the principles and techniques of traffic calming advocated by the American Planning Association.[1] These guiding principles are excerpted for this Revitalization Concept Plan:

The community recommends:

+ Active traffic calming techniques, including corner chokers (or "traffic bulbs"), should be built into residential streets where they intersect with the truck route or major arterial streets. Rumble strips may be appropriate on the truck parkway or major arterials, placed before pedestrian crosswalks to slow traffic.

+ Street signage, stop signs, and intersection controls require comprehensive analysis and upgrading by the City's Department of Parking and Traffic in conjunction with Public Works. Lights with pedestrian crossings must be timed with priority given to the large senior population, the disabled, and family households, not to vehicles. All city streets in Bayview Hunters Point must have sidewalk ramps for disabled pedestrians or wheelchairs.[2]

+ The City should use passive traffic calming techniques on residential streets in Bayview, including signage, pavement markings, and interrupted sight lines using street tree plantings.

+ The City or developers must provide improved sidewalks along all collector and arterial streets. Special pavement for pedestrian crosswalks should be incorporated at major intersections. On smaller neighborhood streets, brightly painted crosswalks are required.

+ The City's Department of Public Works must create an understandable and regular schedule for street maintenance and repairs. Repairs must be performed in a timely and comprehensive manner. The schedule should be posted on the City's website and the community vigilant about performance.

• Community Bicycle Plan

Bicycling is pollution-free, economical and healthy. Community members identify bicycling as an important component of transportation planning in Bayview Hunters Point. The *San Francisco Bicycle Plan*, created by the City's Bicycle Advisory Committee and local Bicycle Coalition Advocacy Group, presents City guidelines for the safe and attractive environment needed to promote bicycling as a transportation mode. A basic bicycle plan for the community exists but needs enlargement and improvement. Recommendations for local bicycle needs made by the community will follow an overview of citywide bicycle plans and standards.

The community recommends:

+ The City should create a comprehensive bicycle route system for Bayview Hunters Point, connecting major facilities and forming a loop around the Town Center.

+ The Bicycle Plan should avoid street routes that have steep grades.

+ The City should require the installation of well-designed bicycle route signage.

+ The Planning Department and SFRA should require the installation of bicycle parking facilities in all new developments and request funding to equip the Town City area.

• Public Utility and Infrastructure Improvements

In order to provide the foundation required for new development and revitalization, the community's public utility and infrastructure systems must be updated and improved in a comprehensive manner. Ecological sustainability goals must be assessed simultaneously with engineering studies. A coordinated effort tied to the Third Street Light Rail Project is one means for achieving this goal.

The community recommends:

+ Require a comprehensive utilities and infrastructure upgrading plan, with all City departments and utility companies working with the community through workshops and other means of soliciting community comments.

+ Other City agencies must coordinate with the Department of Public Works to create a funded comprehensive lighting plan that serves both pedestrians and vehicles on streets throughout Bayview Hunters Point.

+ The City must act to bridge the digital divide by coordinating the provision of fiber optic cables along the length of Third Street while building Muni's Light Rail Project.

+ "Unimproved" and "unaccepted" streets should be catalogued, mapped and reviewed by City staff in order to determine their improvement needs and/or acquisition for public necessity.

[1] Please see *Traffic Calming*, Planning Advisory Service Report Number 456, by Cynthia Howe for the American Planning Association, July 1995, p.9.
[2] All design of street crossings must be in adherence with *1991 American with Disabilities Act* standards.

• General Parking Issues

There are two major areas of concern with regard to parking in Bayview Hunters Point: parking in the Town Center or other commercial areas, and parking within residential neighborhoods. During public workshops and study sessions, the community expressed concern about the loss of on-street parking spaces for merchants along the Third Street Corridor. The discussion grew to take site planning for new developments into account, as seen in the following recommendations.

At present, most residential areas have adequate parking, either through private garages, driveways, or on-street parking areas. New residential development has generally provided similar parking arrangements in an efficient manner. Increased development projected for the Town Center and adjacent to the Third Street Corridor, in the vicinity around Muni Light Rail stations, and along other major streets in Bayview Hunters Point requires community parking guidelines to preserve and enhance residential neighborhoods.

For parking in the Town Center and along the Third Street Corridor, the community recommends:

+ Muni should create an advertising campaign to advertise the transit system in Bayview Hunters Point and illustrate its convenience, promoting alternative modes of transportation to reduce parking demand on Third Street in the future.

+ The City must preserve on-street parking for Third Street merchants in every location possible, but require new development to provide rear or side parking lots to absorb employee and minimum patrons' parking needs.

+ Muni should replace parking spaces lost on Third Street through the Light Rail Project with perpendicular parking areas on side streets wherever possible, but must not extend them more than one-half to one block from the corridor and never in front of residential properties.

+ The Department of Parking and Traffic should create clearly marked on-street spaces for delivery vehicles servicing retail commercial or other businesses who do not have service parking lots. Metered parking spaces should provide two-hour use.

+ The Department of Public Works should coordinate street cleaning schedules to minimize disruption to merchants in commercial areas.

+ The City must require commercial area parking and street design standards so comfortable walking is the preferred mode for getting around the Town Center area.

+ Where office and business service businesses are located within ¼ mile of a Muni transit station, parking requirements should be reduced. All parties should support shared parking arrangements with churches and other institutions that are willing.

+ Should a parking structure be considered for the commercial district, the City should allow only one such structure. In general, any parking structure should provide retail commercial or other uses on the ground floor street frontage of Third Street or any other major street.

For parking in residential neighborhoods, the community recommends:

+ The Department of Parking and Traffic must not place metered public parking in residential areas.

+ The City Planning Department should require new residential development without alley access to incorporate parking into underground or ground levels of buildings. Parking incorporated into buildings should be designed with sideyard driveway access and if on the ground floor, not be visible from the street. The City should encourage alley arrangements in large residential projects where incorporated parking can be accessed and small rear lots established.

+ The City Planning Department should provide more flexible zoning requirements for residential parking. Thoughtful analysis should allow parking requirement reductions in appropriate developments near transit.

Transportation and infrastructure improvements are critical components of an improved environment in Bayview Hunters Point. All of the projects discussed in this section will have major impacts upon future public safety, health, and welfare. The next section, Environmental Health and Remediation, will consider the community's needs in detail.

Jose lives in Bayview near the Candlestick Point State Recreation Area and rides his bike everyday in the neighborhood.

G. Environmental Remediation and Community Health

The health and public welfare of Bayview Hunters Point residents is a top concern for community leaders and local activists. Bayview has long been impacted by industrial pollutants in soil and water, poor air quality, and illegal dumping of toxins in many locations. Meanwhile, the community has never had a full-service health facility, despite the higher level of residents' healthcare needs. In addition to a large elder population, studies have shown that African American residents in particular suffer from an unacceptably high degree of health impacts.

The PAC's Health and Environment Committee has worked to define the agenda for revitalization defined in this *Concept Plan*, working with the Bayview Hunters Point Health and Environmental Assessment Task Force, a grassroots group acting as an umbrella organization in the community since 1994. The Task Force consists of residents, researchers, health department officials and representatives of governmental, academic, non-profit, social, religious, civic and charitable organizations. The Task Force's goals and objectives outline the community discussion leading up to this section of the *Revitalization Concept Plan*:

1. *Identify and implement programs for on-going community health assessment and program prioritization*
2. *Develop and conduct intensive community outreach and public health education*
3. *Advocate to define environmental health needs and direct public policy, legislation and regulation to create a healthier community*
4. *Require environmental risk and exposure assessments*
5. *Promote expeditious environmental clean-up including appropriate planning and zoning.*
6. *Promote environmentally sound economic development*

The remediation of polluted sites, upgrading of polluting facilities, and attraction of new eco-industrial development must be considered comprehensively as critical steps uplifting the public safety, health, and welfare of the Bayview Hunters Point community.

Public health needs include the expansion of existing health facilities and the educative process. It is critical that the community voice be heard by public entities and there be a large consortium of non-profits and community-based organizations helping to advocate for new public policies, legislation, and regulation activities.

Strengthening Community Health

The Southeast Health Center is located on the corner of Keith and Armstrong Streets directly adjacent to Bayview Park. The Center seeks to expand its building as well as its services because of the great need for more health-related services in Bayview Hunters Point.

Based upon available health data and the lack of services in the immediate area, community members have identified a variety of services needed at the expanded Southeast Health Center, including but not limited to:

- *An emergency service center, including weekend and evening urgent care services*
- *Specialized medical services related to prevalent illnesses in the community*
- *Diagnostic services such as radiology, clinical and dental labs*
- *A satellite pharmacy with additional capacity for filling optical needs*
- *Chiropractic and podiatry services*
- *Adult day health care and other services for seniors*
- *Increased access to nutrition, mental health, substance abuse and other social services*

Some services can potentially be provided by private-sector groups under lease agreements with the site. Meanwhile, community members have also identified the need for a minimum 100-bed acute care hospital and 100-bed long-term care facility located in Bayview Hunters Point. Dependent upon how much space is made available through the expansion of the Center, additional service such as childcare, student training and internship programs, volunteer organizations, a Social Security office, legal aid services, and other community services could be co-located at the facility site.

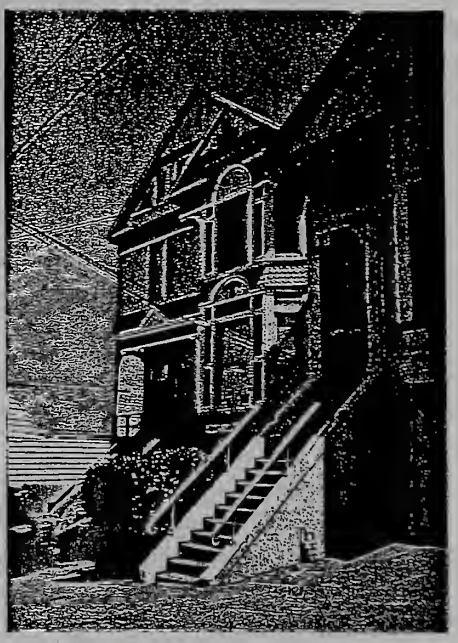
H. Housing and Residential Mixed-Use Districts

Among the foremost goals of the Bayview Hunters Point community is the retention of current residents and ultimate enhancement of existing neighborhoods as new growth occurs. A sense of continuity and connectedness should be built into every new endeavor, creating a context that allows newcomers to become neighbors in an established community. Above all is the ideal of social justice, requiring thoughtful consideration of how the benefits of revitalization and a strong economy are overwhelmed by the costs of gentrification. These costs include the unintended erasure of what makes a livable city: cultural histories, traditions, and neighborhood identity — along with the people to whom these are meaningful. An integrated, collaborative approach to community-based planning provides residents with the tools to act decisively and without fear of displacement. In this way, Bayview Hunters Point residents can plan for their future while welcoming newcomers into their community.

Revitalization efforts and new development projects must reinforce the physical character of Bayview by responding to community form and its rich architectural history providing an array of valuable prototypes. By building upon the community's character and assets, new residential development will respect the community's values and accommodate its diversity.

Affordable housing measures, revitalization efforts, and new development initiatives are defined through recommendations made by the community during intensive analysis and public participation. These recommendations for housing and residential development throughout Bayview Hunters Point can be summarized as:

- *Maintaining housing affordability throughout Bayview Hunters Point for both renters and owners*
- *Assisting existing residents who currently live in rental housing to become homeowners in the community*
- *Strengthening housing assistance programs and preserving housing units that serve the neediest residents, including seniors, single-parent families, and Section 8 renters*
- *Enhancing and improving neighborhoods through the rehabilitation of existing housing and enforcing blight ordinances*
- *Promoting sensitive and complementary infill development in established neighborhoods*
- *Promoting residential mixed-use development in appropriate locations*
- *Requiring new residential and residential mixed-use developments "fit" into Bayview Hunters Point through well-planned urban design and contextual architecture*



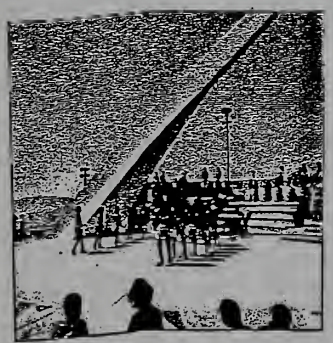
Bayview's own housing stock boasts a variety of architectural styles and forms that can be used as protoypes for new development.

I. Open Space and the Waterfront

The Bayview Hunters Point community seeks the creation of a network of public open spaces and recreational areas, restoration of ecological health to the environment, and reclamation of the heritage of its waterfront as a significant part of larger community revitalization efforts. The ultimate goal is an open space and waterfront system that sets the stage for a full-scale cultural and economic renaissance in Bayview Hunters Point. Ecologically healthy, safe, and beautiful open spaces and facilities will enhance the area's attractiveness as a place to live, work and play. Focused investment by the private, non-profit, and public sectors to develop new open space and facilities must be coordinated with efforts to renovate and maintain existing resources in order to create positive effects in and for the community.

There is a critical need for parks, playgrounds and recreation facilities to serve this community, characterized as one of the fastest growing in the City over the last two decades. As one of the most diverse, ethnically and economically, households in 1990 were typically families (89% of all households) with children (59% of all households). There is also a large component of single-female householders with children (22% versus 6% citywide). Average household size is much larger than that of the city (3.26 versus 2.3 citywide) with comparatively larger numbers of children, young adults and elderly.

While existing park and recreation facilities in Bayview tend to be small and disconnected from both the transportation system and each other, this area was once one of the most ecologically diverse and beautiful in San Francisco. It was a natural location for human settlement with gently rolling grassy hillsides, abundant fresh water springs, a perennial creek and tidal wetlands dense with wildlife, all interacting with 14 miles of bay coastline. The unique "sense of place" felt in Bayview Hunters Point has much to do with its original ecological framework: a combination of rolling topography and splendid views, remnants of the original landscape, and bayshore frontage.



The sundial at Hilltop Park.

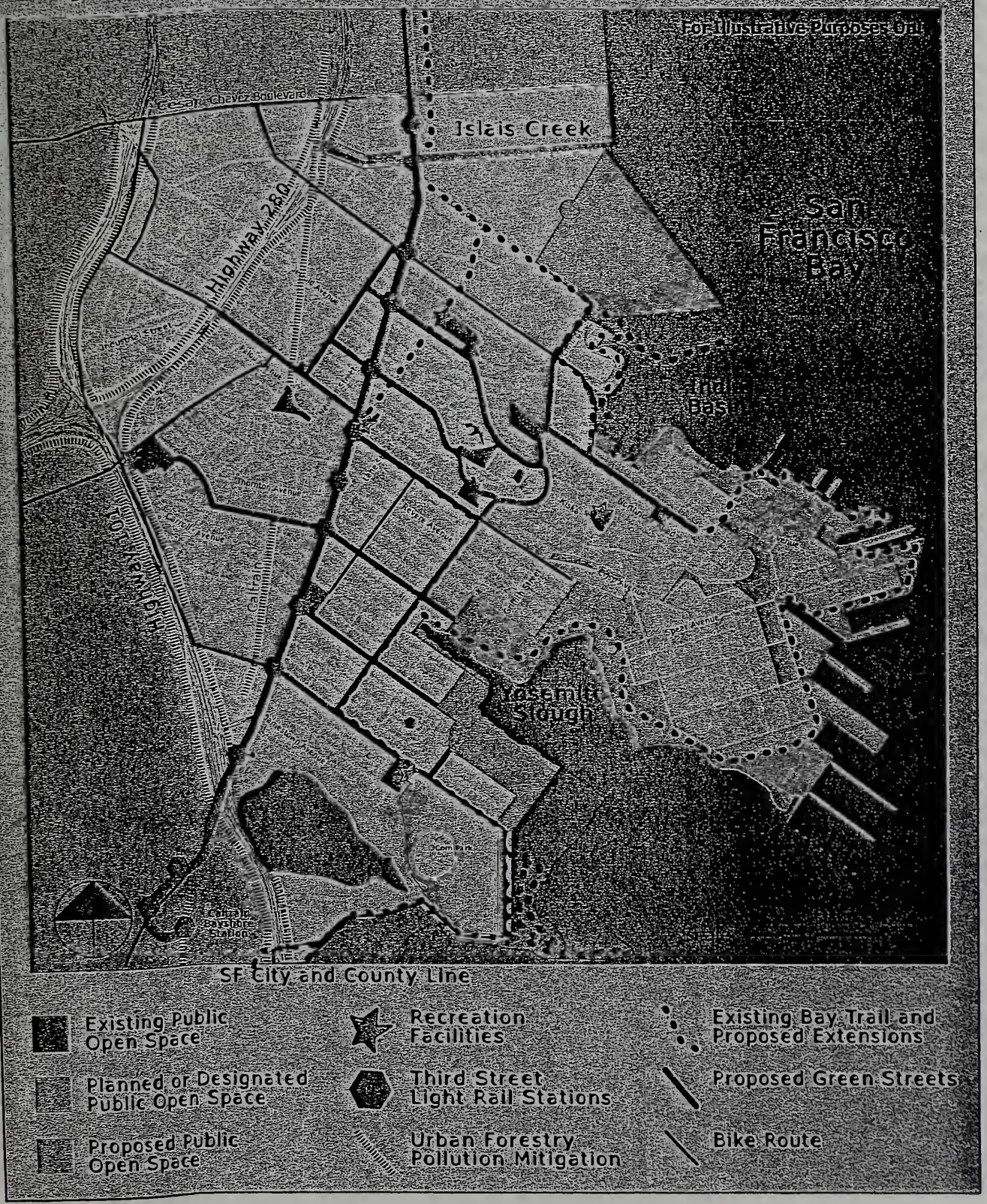
Only remnants of the historic landscape still exist, ironically due to the very uniqueness of the natural habitat, namely the natural deep-water harbor. The original Bayview Hunters Point waterfront and flatlands underwent massive reconstruction to support commercial shipping needs and industrial development in San Francisco. Ultimately, the area's development as a major industrial area culminated in a disjointed system of land uses and a largely inaccessible waterfront. What is being called for today is a new reconstruction effort, one that serves the future well-being of both the community and the City.

Recommendations formed by the community to restore, enhance and develop its open space and waterfront system are summarized as:

- *Creating a park and recreation system equal to that in other City communities.*
- *Establishing a "green infrastructure" of streets, walkways, stairways and bridges to interconnect open spaces, bay waterfront and inlet areas, and public transit.*
- *Restoring waterfront and other natural areas while providing enhanced public access by completing and expanding the Bay Trail.*
- *Creating a new large recreational park with a full spectrum of league sports and other facilities.*
- *Improving existing parks, community gardens, neighborhood recreation facilities and playgrounds with sustainable maintenance and programming.*

Map 21

Existing, Planned and Proposed Public Open Space



- Existing Public Open Space
- Planned or Designated Public Open Space
- Proposed Public Open Space
- Recreation Facilities
- Third Street Light Rail Stations
- Urban Forestry Pollution Mitigation
- Existing Bay Trail and Proposed Extensions
- Proposed Green Streets
- Bike Route

Chapter 5.

Revitalizing Neighborhood Districts with Focus Area Plans

Imagine the Future

Welcome to the year 2020. It is a busy morning in Bayview Town Center. Before hopping on the light rail car to downtown and work, neighbors wave hello as they grab a coffee and pastry at the cafe and a paper from the market. Passengers disembarking at the Muni Oakdale Station are welcomed by a community plaza with beautiful brick paving, trees, comfortable benches, and artworks by the local artist's guild. The posting of community events on the kiosk in the station's plaza reminds them that there will be live music and cultural performances tomorrow evening in the Farmer's Market up Third Street. Other folks are walking the two tree-lined blocks of Oakdale, enjoying the magnolia trees in blossom, on their way to catch Caltrain to the Peninsula.

All along Third Street, parents are dropping off their children at daycare or shepherding them to their neighborhood schools. Bayview high school students are enjoying their new football field, although several have already left to meet their teacher at the technology arts center next to the Bayview Opera Plaza Museum and Conference Center. Meanwhile, community seniors are gathering in neighborhood parks to do some gardening, practice Tai Chi, or just plain socialize with friends who live nearby in their new homes at South Basin Station.

At the end of a busy day, it is easy to take care of errands in the shops around the light rail stations, pick up the kids, grab some groceries, and perhaps fresh flowers for the table. In the evening, neighbors stroll and window-shop along the brightly-lit streets of the Town Center after seeing a movie or eating ethnic food at the newest café. Parents ride bicycles with their children down to the waterfront along tree-lined neighborhood streets, and teenagers practice the latest moves at the sports center.

This is the community's vision for Bayview Hunters Point, a visionary plan that is achievable because resources and commitment exist today. As you review the illustrative plans and ideas that follow, imagine the future, work together to make dreams a reality, and keep the faith.

Creation of the *Year 2020 Focus Area Plans*

The four *Focus Area Plans* illustrate how area-wide program goals and recommendations can be applied at the neighborhood scale in the form of land use relationships, public improvements, and revitalization projects. The plans build upon existing land use and zoning principles outlined by the City's General Plan while visualizing outcomes for vacant land, under-developed areas that are experiencing change, and land where certain land uses should be relocated. Of particular note is that all existing residential neighborhoods are enhanced, but not converted to a different use.

The community has developed these plans to provide guidance on future development and decision-making with technical assistance from the Planning Division of the San Francisco Redevelopment Agency (SFRA).

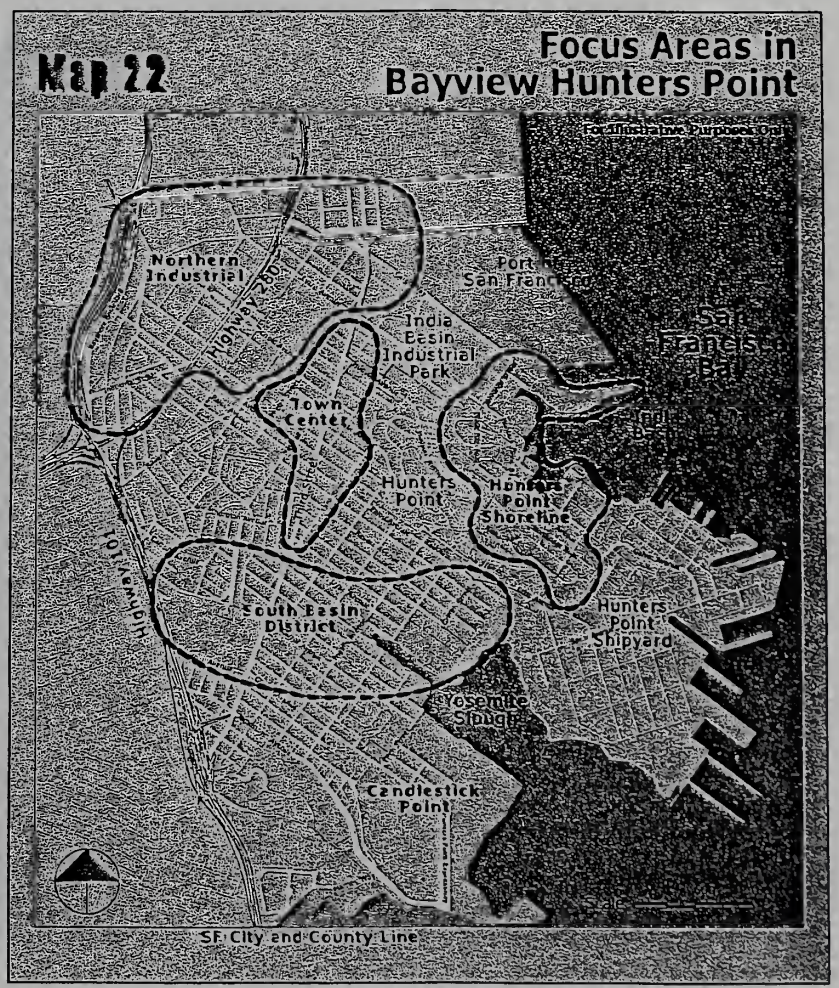
The process for developing these plans followed a circular path. The seven major revitalization strategies served as an evaluation tool for testing development concepts within focus areas at the same time that area-wide policies were being developed and refined. Citizen input was gathered through workshops and other community events. The citizen-elected PAC Committees reviewed the recommendations specific to each of the four areas to determine how they carried out revitalization goals. Meanwhile, programs proposed by City agencies were reviewed to evaluate how each served to build upon the community's strengths with purposeful actions and commitments.

This simultaneous process has led to a larger understanding of how community-focused revitalization can and will be accomplished over time without displacing valued residents, community institutions, or historic resources.

The unique character and best qualities of Bayview evolved over the last 100 years. To look twenty years into the future requires innovative thinking that takes community strengths into account and matches them with current opportunities.

The four Focus Areas, shown in Map 22, include:

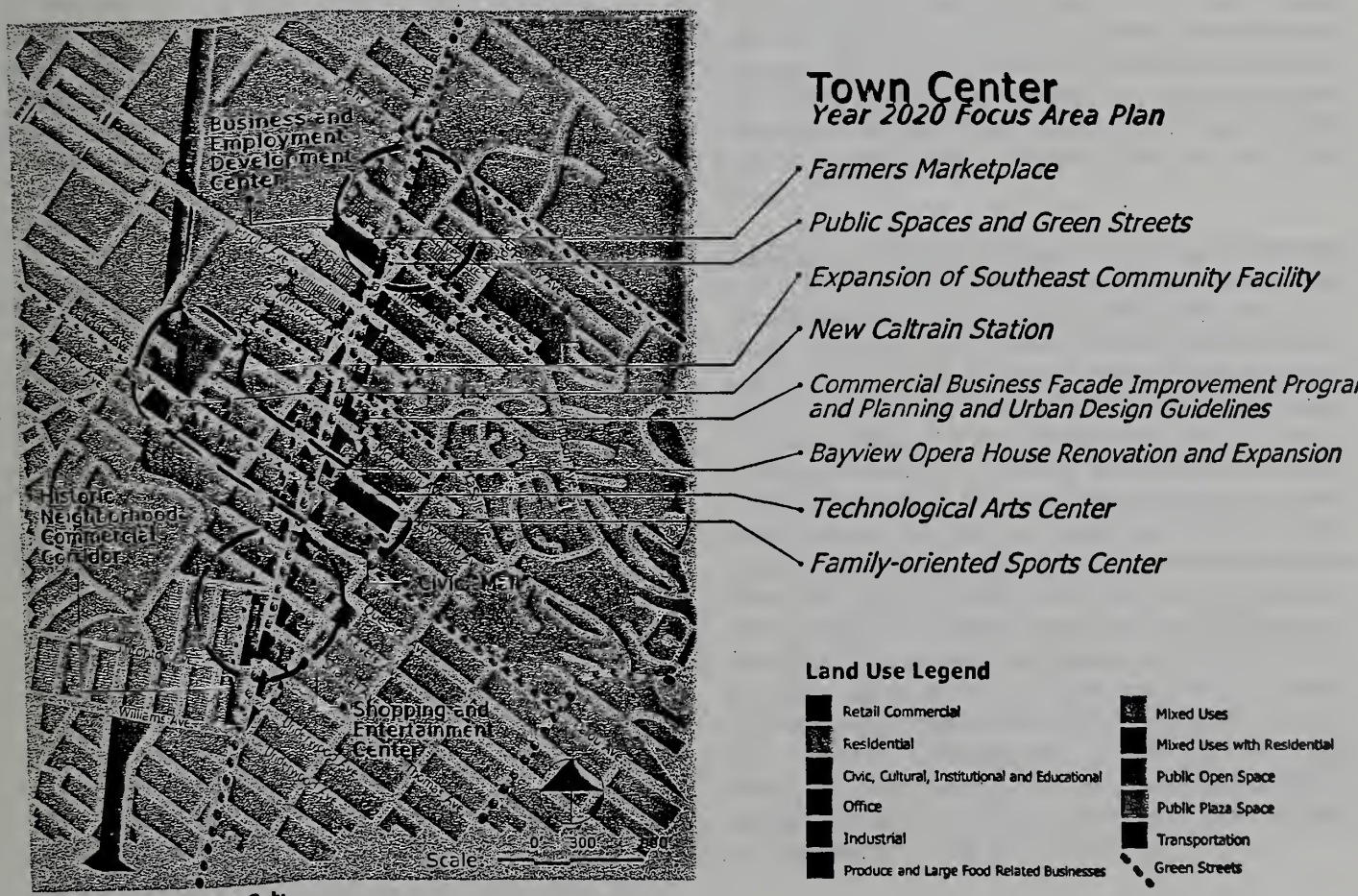
- *The Town Center*
- *The Northern Industrial District*
- *The Hunters Point Shoreline District*
- *The South Basin District and Candlestick Point Special Use District*



Community Vision for the *Year 2020 Town Center Plan*

The community has articulated a vision for the Town Center and the north-central portion of the Third Street corridor as the civic and commercial heart of Bayview Hunters Point. A *Year 2020 Focus Area Plan* has been prepared to illustrate what the Town Center can become over time with dedicated application of the community's development and land use policies. Coordinated investments are focused in high priority areas, local economic and employment development emphasized, and education and employment opportunities improved. The Town Center plan includes:

- *A protected historic residential neighborhood, with a range of new infill housing and transit-oriented mixed-use development focused around light rail stations on the Third Street Corridor.*
- *Local shopping and entertainment venues on Third Street that incorporates and uplifts existing businesses.*
- *A major business and employment development center in the northern portion of the Town Center, adjacent to the Industrial Park and anchored by Bayview Plaza.*
- *Projects and land uses that establish the Town Center as a cultural arts destination, with an emphasis on exceptional public art interwoven with infrastructure and buildings. Community destinations and gathering places – including a Farmer's Market/Community Marketplace, plazas, and locations for festivals, fairs and community events.*
- *Transit hubs bringing people to and from Bayview Hunters Point and providing connections to employment, including Muni and Caltrain.*
- *Civic, educational, and community service facilities brought together to form a "mall" on Third Street and along Oakdale.*



For Illustrative Purposes Only

Proposed and Potential Projects in the Town Center

There is a clear directive to focus first on projects where there are existing assets to work with, such as strengthening existing businesses, expanding civic institutions, and restoring important buildings. The next step is to redevelop key vacant and/or underutilized buildings and parcels in the heart of the community with uses that expand upon and support this existing character.

Civic, Educational, and Arts Opportunities:

Bayview Opera House: Renovation and expansion of the Bayview Opera House into a full-fledged Performing Arts and Multi-Media Training Center, dedicated to the promotion of the visual, performing, musical and literary arts. This expansion would occur on a 2.75-acre, City-owned block defined by Third Street and Newcomb Avenue, and Lane Street and Oakdale Avenue. The historic Bayview Opera House currently serves as a community meeting hall, a film theater and a center for training in the performing arts. The building needs a new roof, façade restoration and interior remodeling. Expanding existing programs — the community movie theatre, stage technician workshops, and the *Bayview Heritage* magazine — the Opera House facility will focus on intensively preparing young adults for careers in arts-related fields. Renovation and expansion should be designed to accommodate an arts education academy, expanded community movie theater, modernized recording studio, drama company and dance troupe, and cabaret supper club.

Technological Arts Center: A state of the art Technological Arts Center will build on the success of the Bayview Opera House Performing Arts and Multi-media Training Center to prepare youth to more fully participate and compete in computer and internet technology fields. This will be a center that nurtures creativity, inspires exploration, builds on the classroom education, and ultimately empowers youth. One interesting model cited by community members is the Yerba Buena Children's Center located in San Francisco's South of Market area. Another is "Plugged In" in East Palo Alto, a community technology center with a mission to ensure that residents have the opportunity to fully benefit from the information revolution. Plugged In's Greenhouse program is a creative arts and technology studio for children that provides after-school programs, classroom partnerships, and special projects based on educational themes. Partnerships with local schools increase access to technology for all children in East Palo Alto. The Greenhouse also offers special projects with activities including a mural project, field trips to educational sites around the Bay Area, and opportunities to exhibit artwork in local galleries. Plugged In actively compiles and shares its program curriculum via the internet at www.pluggedin.org.

Family-oriented Sports Center: Expansion of the existing community uses of the Joseph Lee Recreation Center is desired. An improved family oriented sports center concept would expand the current facility's capacity to include a fitness center with weight training rooms, basketball courts, locker rooms, classrooms, an office suite, and a new conveniently located daycare facility serving 180 children. New construction must be considered because of the age and extensive maintenance issues of the existing Center and Burnett School building. Whether using a renovation and expansion approach or a new construction approach, the facility should be integrated the Bayview Opera House and its plaza, with the Oakdale/Third Street corner as the main entrance. An integrated parking structure could be shared with visitors and residents who are shopping along the corridor or are going to church.

Southeast Community Facility/City College: This valued facility is a major community resource that should be expanded to grow into the future. Demand for increased educational programs provided by City College, integrated job training programs, community civic office space, and other resources including daycare can be met by bridging the existing facility to adjacent sites with new buildings.

Public Art and Cultural Identity: An art program administered by Muni will enhance the Third Street Corridor light rail stations at LaSalle, Oakdale-Palou and Shafter Avenues with work by local artists including Horace Washington, Frederick Hayes and JoeSam. The Bayview stations will reflect the community's shipbuilding history, bayside location, and Afrocentric culture, includingmotifs of African Kente cloth. Building on this effort, additional public art should be incorporated into all public and private projects, emphasizing cultural and historical influences. This includes paving patterns, street furnishings (benches, light standards, tree grates, etc.), fencing and other permanent objects besides the traditional forms of sculpture, murals, and other applied arts. Proceeds from the City's 2% for the Arts ordinance (requiring 2 percent of total project construction cost for civic/public projects be invested in art enrichment) should be invested locally. New structures proposed by the private sector should similarly invest in art enrichment as part of their civic duty to become part of the community.

Local Commercial and Business Opportunities:

Farmers' Market/Community Marketplace: More than 60 Farmers' Markets are located in the San Francisco Bay Area, offering farm-fresh fruits and vegetables, flowers, artisan breads, locally-produced cheeses and other fresh foods. The community desires the establishment of their own Farmers' Market, eventually building a permanent facility modeled upon thriving examples like the Emeryville Public Market. At its beginning, a Bayview farmers market would meet once or twice a week on an open-air site requiring little or no site improvements such as a plaza, street or parking lot. This allows for low overhead by the project sponsor that in turn are extended to vendors to provide a supportive environment to small and local distributors. Various models include the West Alameda, Jack London Square and Temescal Square Farmers' Markets. With more capital investment, tents or other non-permanent structures would provide general shelter and add visual identity.

An unimproved site could eventually become a formal plaza space used for other events and activities. With continued success, a farmers market might become housed in a permanent structure such as in Emeryville and Rockridge, Oakland. A triangle of land at Third Street and Hudson, already used as a vending spot for barbecue, could become the location for the first open-air farmers market. Building on its success with visioning, management and promotional efforts, the block across the street could eventually be integrated into a permanent indoor farmers market.

A permanent facility offers the advantage of bringing a wider variety of foods and products to the community with on-site refrigeration and more space for short- and long-term lease to craft vendors as well as food outlets. Local community development corporations have developed a number of such projects across the country, taking seven years on average to fully develop and requiring public/private grants and low-interest loans. Bayview can work with existing assets and expertise from the San Francisco League of Urban Gardeners (SLUG) and the San Francisco Wholesale Produce Terminal Market. The ultimate goal is to develop a commercial block that includes a public market hall at its core surrounded by restaurants, specialty food stores, and other local businesses.

Commercial Business Façade Improvement Program: Public transportation improvements on Third Street must be accompanied by improvements to existing storefronts and buildings. A Bayview façade improvement program should be implemented immediately, such as the San Bruno Avenue *Pilot Façade Improvement Program* overseen by the Mayor's Office of Economic Development (MOED) and the Department of Public Works (DPW). This *Small Business Facade Grant Pilot Program* provides architectural design assistance and matching grants on a dollar for dollar basis of $5,000 per storefront for exterior renovations to property and work on business owners' storefronts. The goal of the City is to partner with property and business owners in neighborhood commercial districts to create a vibrant retail corridor that serves the community, increases commercial activity, and beautifies and enhances the districts' streetscapes.

The proposed façade improvement program would be one part of a larger economic development strategy based upon the Main Street Program. The *Main Street Approach* organizes comprehensive revitalization efforts into a four-point framework: organization, promotion, design, and economic restructuring. In 1999, the National Main Street Center estimated that for every dollar a community invests in the operation of its Main Street program, $38 are reinvested in the district in the way of permanent property values and job creation. This makes Main Street one of the most effective economic development programs in the nation. The state maintains an office, called California Main Street, that focuses on enhancing the economic, social, cultural, and environmental well being of traditional commercial districts in concert with the national Main Street Center. Since 1985, involved communities have invested $144 million in public design improvements (402 projects) and $134 million in private façade and building rehabilitation (2,832 projects). As a result, downtowns and neighborhood commercial districts in the California Main Street network have generated 5,857 new businesses and created 20,399 new jobs.

Local Hiring and Training Requirements for New Development: First Source Hiring, Resident Training and Mentoring program requirements must be negotiated as a part of all new development proposals.

Transportation and Public Space Opportunities:

Proposed New Caltrain Station: There has been significant interest expressed by community members, city staff, and members of the regional transportation board in moving the Paul Avenue Caltrain commuter rail station to a new location at Oakdale Avenue. This location would anchor the civic/educational "mall," is easily accessible to several Muni bus lines and is a short walk to the Town Center commercial area and light rail line. A station at this location would serve both Bayview Hunters Point and

other San Francisco neighborhoods to the west. There is nearly universal support for the relocation, including staff members from the Southeast Community Facility and City College.

Public Spaces and Green Streets: Building on the success of the Bayview Connections streetscape and public plaza project, additional efforts should create a larger series of activated pedestrian-oriented public spaces and an interconnected loop of Green Streets with transportation improvements to surrounding residential, commercial, cultural and institutional areas. Public plaza spaces should be designed with attractive paving, pedestrian lighting, trees and landscaping, public art as places to sit and linger. Streetscape improvements should strive to structure a clear and comfortable pedestrian routes especially where they link important community resources, facilities, public parks and employment centers. Improvements should include new pedestrian lighting and infill planting, and striped bike lanes. Center median island elements, improved sidewalks and bulb-outs, Muni shelters, and pedestrian-oriented lighting should be located at appropriate places, and especially at bus stop intersections.

Planning and Urban Design Standards:

Third Street Corridor: The community requires thoughtful design standards for new development. Recent development proposals have received wide review and public comment, helping make them "fit" the community and become better projects. Height limits along Third Street have tentatively been determined as 40 feet, perhaps with some degree of flexibility to achieve a more intensely developed areas around transit stations. The desire is to avoid monolithic architecture and design styles, respecting the intimate scale and variable nature of the historic district. Urban design standards along the corridor call for building facades up to the sidewalk, with articulated entrances and windows.

Community Vision for the *Year 2020 Northern Industrial Area Plan*

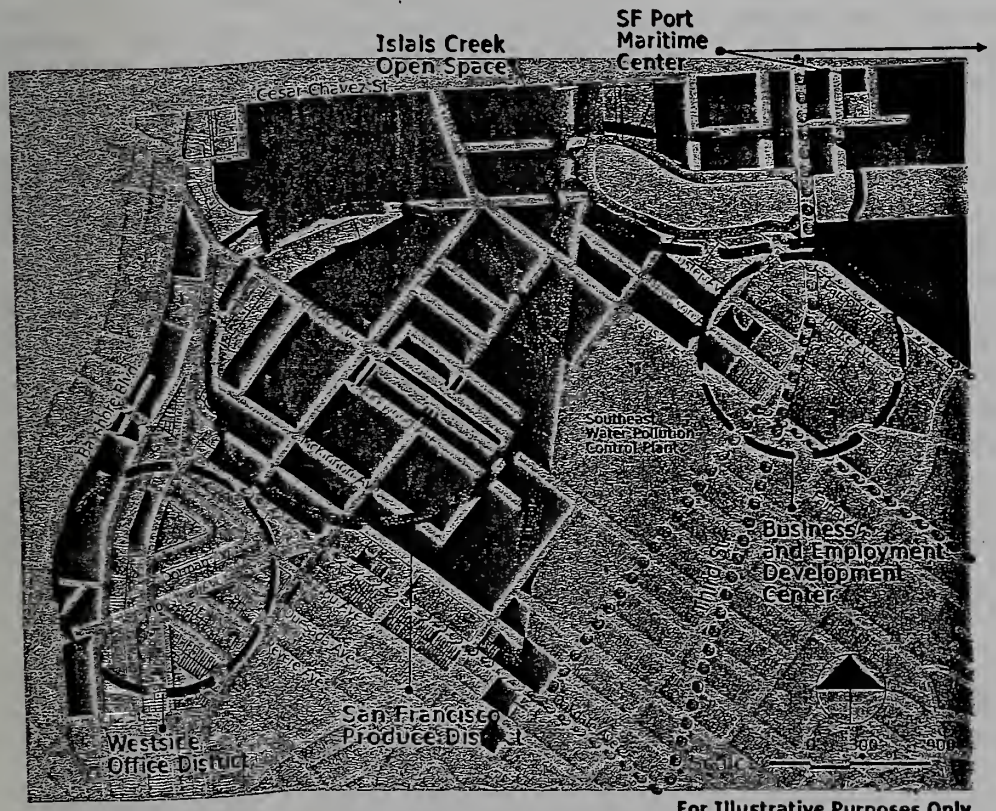
By means of community workshops and town hall-style meetings, Bayview residents and business people have agreed to a common vision and revitalization strategy for this northernmost sector of the community. This vision includes:

- *Maintaining and expanding industry within the area to increase the job base and support the development of entrepreneurial opportunities. Economic development with an ecological emphasis should be the focus; housing development or live-work should not be allowed in industrial areas.*

- *The promotion of policies and land use decisions that provide job-training, employment and business opportunities to local residents.*

- *Economic development that fosters clean industry and facilities to improve the quality of life for area residents and workers. Eco-industrial park development and operations principles are called for.*

- *Public amenities that facilitate transit, truck and pedestrian travel through the area, beautify the streetscapes, maximize access to open space and the waterfront, and buffer housing, schools, parks or other people places from industrial uses.*



For Illustrative Purposes Only

Northern Industrial District
Year 2020 Focus Area Plan

Job Base and Entrepreneurial Opportunities

Clean industry and Mitigation of Land Use

Public Amenities

Land Use Legend

- Retail Commercial
- Residential
- Civic, Cultural, Institutional and Educational
- Office
- Industrial
- Produce and Large Food Related Businesses
- Mixed Uses
- Mixed Uses with Residential
- Public Open Space
- Public Plaza Space
- Transportation
- Green Streets

Proposed and Potential Projects in the Northern Industrial Area

Existing assets to work with immediately include the Muni Light Rail line to be constructed along Third Street with opportunities to encourage the development of office buildings that house small cafes or provide some other type of mixed-use. Buildings should reflect the maritime heritage, industrial history and landscape characteristics of the area to retain and/or emphasize the unique character of the historic industrial district.

Job Base and Entrepreneurial Opportunities:

Transit Oriented Development along the Third Street Light Rail Corridor: Office and commercial development along the Northern Third Street Corridor will provide increased employment and entrepreneurial opportunities. Conversely, businesses locating here should emphasize transit use for employees and visitors.

Local Hiring and Training Requirements for New Development: First Source Hiring, Resident Training and Mentoring program requirements must be negotiated as a part of all new development proposals.

Increase Job Development in Redevelopment Project Areas: Amend the India Basin Industrial Park and the BIT to allow for more office and commercial uses.

San Francisco Produce District: Projects that will encourage renovation and expansion of the SF Produce District and related uses include entry gateways, new truck routes and improved streets, and reinvestment into docking and other truck-related facilities.

Clean Industry and Mitigation of Land Use Conflicts:

Southeast Water Pollution Control Plant Improvements: The Southeast Water Pollution Control Plant has considerable impacts on neighborhoods surrounding it, including foul odors. The utility has plans to relocate the southern "digesters" section of the plant that will act to reduce most odors. However, the community remains concerned about the City's reliance on this facility to serve a broad segment of San Francisco and that planned developments such as Mission Bay and the UC campus may overtax it. The Coalition for Better Wastewater Solutions suggests that this issue be studied further for long-term sustainable solutions. The Public Utilities Commission (PUC) is engaged in a one-year study regarding alternative improvements to the Water Pollution Control Plant.

Port of SF Eco-Industrial Park: The Port has indicated a resource/waste-sharing eco-industrial park could potentially be developed in the upland area or "backlands" of the Port Property on Cargo Way.

Industrial Protection Zones (IPZs): New zoning controls should be established to would prohibit residential development and allow office development with conditional approval in industrial zones. Transition zones adjacent to residential districts should be established to allow only commercial or less noxious uses (no hazardous materials, and low-noise/low-odor-generating uses).

Physical Buffers: Streetscape improvements should be made where existing land use conflicts exist. These projects can include parkway designation, widened sidewalks, and rows of trees that can buffer existing industrial uses from residential uses or pedestrians from traffic.

Public Amenities:

Third Street Light Rail and other Streetscape Improvements: Additional streetscape improvements along the length of Third Street that are not currently in the MUNI budget should be considered for simultaneous implementation with the light rail construction. Improvements to other key pedestrian linkages as "Green Streets" should also be provided for as key investments.

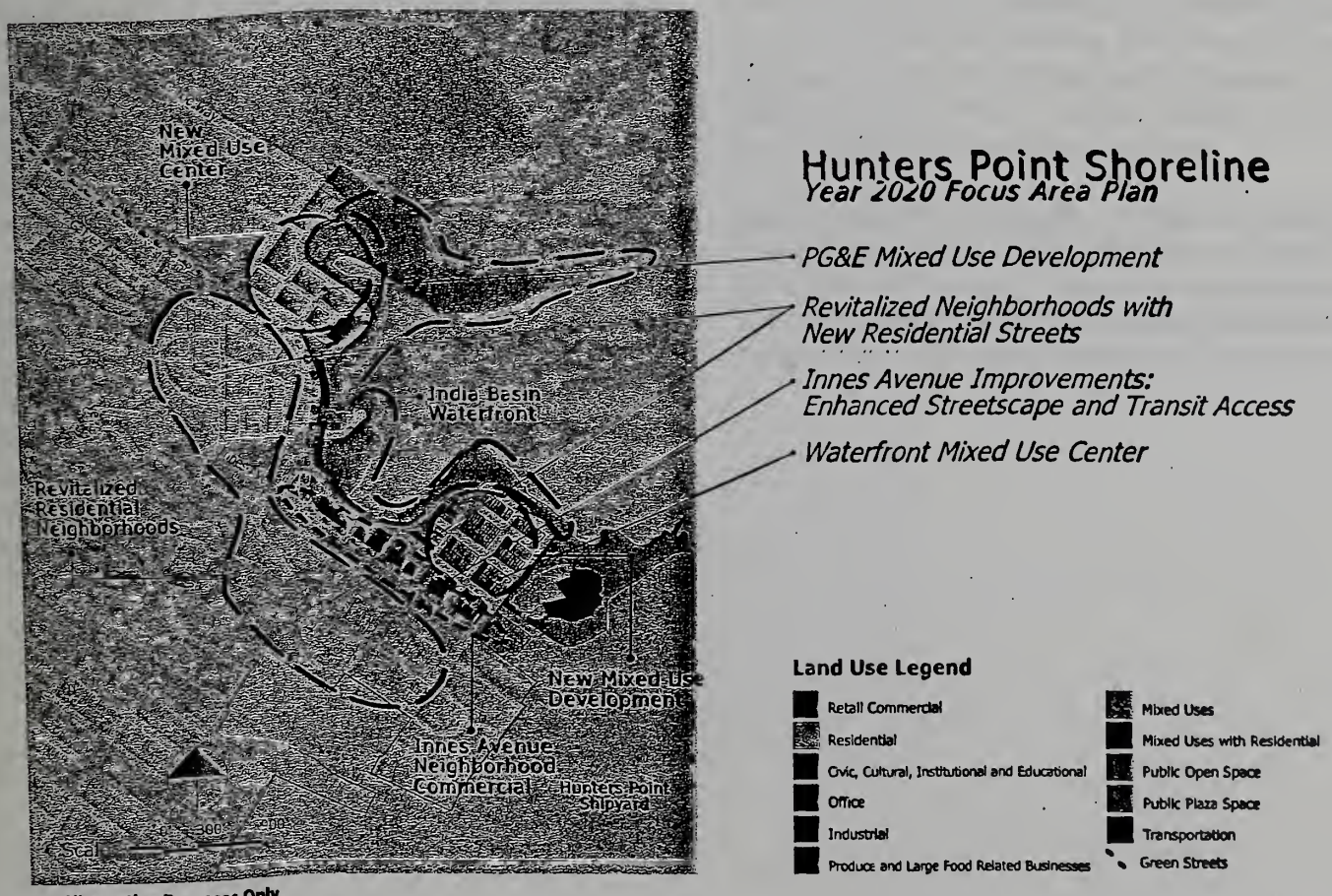
Third Islais Creek Landing Improvements: Bordered on three sides by industrial uses, continuous access around the perimeter of the creek and links with the Bay Trail should be made with pedestrian and bicycle paths.

Gateways: Neighborhood markers should be established at Islais Creek, Landing, Cesar Chavez, and/or Oakdale at Bayshore to identify the community.

Community Vision for the *Year 2020 Hunters Point Shoreline Area Plan*

The community has identified the Hunters Point Shoreline as playing a major role in the revitalization of Bayview Hunters Point, in large part because of its shoreline frontage and large underdeveloped parcels. A *Year 2020 Focus Area Plan* has been prepared to illustrate what can be accomplished by utilizing these existing strengths and assets. The plan includes:

- *Water recreation along the India Basin Shoreline and public access to the waterfront.*
- *Rehabilitated public housing that ties in physically and architecturally to other residential development in the community.*
- *New mixed-use residential developments that feature ground floor neighborhood-serving businesses and housing above in appropriate locations on the north side of Innes Avenue.*
- *New mixed-use development centers with flexible land uses on the PG&E and Ferrari sites that take advantage of these large parcels of land.*
- *Facilitate and complete the cleanup of hazardous substances from identified contaminated sites, particularly the PG&E site and the Ferrari parcel.*



For Illustrative Purposes Only

Proposed and Potential Projects in Hunters Point Shoreline District

As was done in the visionary plan for the Town Center, primary projects must start by focusing upon efforts that will create the positive environment for additional revitalization efforts. For instance, once new infrastructure is in place and freasibility analysis complete, new large-scale development will not only provide jobs, but will also pay the development fees that will pay for amenities and open space. The following are only a few of the numerous projects that will occur in the Hunters Point Shoreline District to create a vital living and working neighborhood.

PG&E Site Reuse:

Reuse of the PG&E site should be the subject of a detailed feasibility study. The City should consult with the community, the Public Utilities Commission and the Port of San Francisco staff in the future development of this site. Income generating uses must be considered for the economic feasibility of development of the site. The non-open space portion of the site could accommodate a moderate- to medium density mixed-use project with water-oriented residential, office and/or light industrial uses adjoining India Basin Industrial Park, environmental education facilities, and community-serving retail businesses or restaurants.

Waterfront Mixed-Use Development (Ferrari Site):

Similar to the reuse of the PG&E site, this waterfront development would principally involve reuse of the Ferrari Site and will require feasibility analysis in order to define a potential development program. The waterfront location offers an excellent opportunity to create a beautiful new mixed-use neighborhood.

Transportation and Circulation Improvements:

A number of transportation and circulation improvements would be necessary to support new development and existing residences or businesses in the area. These improvements include:

Innes Avenue Improvements. To signify its status as a major neighborhood identity street and as the northern access route into Hunters Point Shipyard. In addition to frontage and streetscape improvements and landscaping, the roadway should be upgraded as necessary to ensure efficient vehicular movement. At the same time, pedestrian and bicycle amenities should be provided.

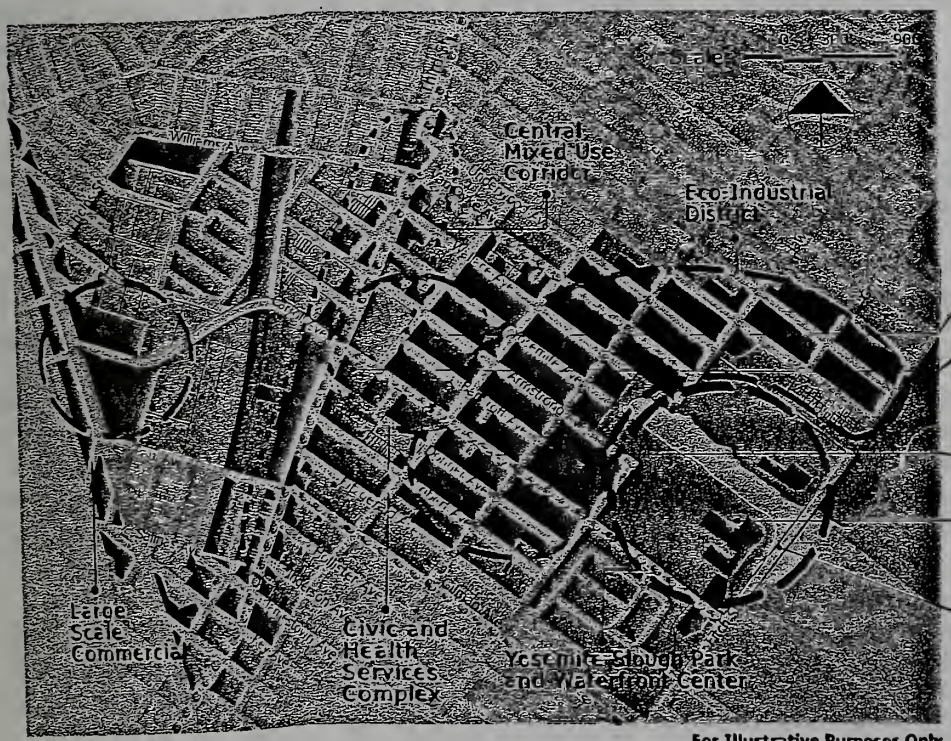
Enhanced Transit Access. Transit access along Hunters Point Boulevard – Innes Avenue should be enhanced by means of a shuttle, increased bus service or a light rail extension along Innes Avenue, in order to link Innes Avenue and Hunters Point Shipyard to Third Street and adjoining areas. An adequate right-of-way or roadway capacity should be maintained for these improvements.

New Neighborhood Streets. Street connections from Hill residential areas to Innes Avenue and the waterfront must be built. The currently dangerous and inhospitable stairways should be replaced with cut-graded neighborhood streets with sidewalks.

Community Vision for the *Year 2020 South Basin District Plan*

The community has articulated a vision for the South Basin District and Bret Harte neighborhood as a dynamic working-living district of Bayview Hunters Point. The *Year 2020 Focus Area Plan* illustrates the vital district South Basin can become over time. The plan includes:

- *An enlarged Southeast Health Center with an Aging Campus, clustered senior services and new senior residential facilities.*
- *Transit hubs along Third Street bringing people to the Southeast Health Center and Aging Campus with larger-scale mixed-use commercial businesses located along the corridor.*
- *Community destinations and gathering places – including plazas along the Third Street corridor, a renovated Bayview Park, community gardens and parks extending through the Health Center and Senior Living areas, and a restored and redeveloped Yosemite Slough on State Park land.*
- *An office "park" area, with medical and other types of office uses bounding the Health Center and buffering adjacent residential from to industrial uses to the southeast.*
- *A formalized eco-industrial park in the southeast portion of the district, with defined truck routes linking the Shipyard and the freeway.*
- *Protected historic residential neighborhoods, with a range of new infill housing and transit-oriented mixed-use development focused around light rail stations.*
- *A focus on housing for senior living around the Southeast Health Center including assisted-living facilities.*
- *Renovation of the Alice Griffith Housing Development, with massive improvements in street layout and infill that reunites the enclave with the rest of the neighborhood.*


Central Mixed Use Corridor
Eco-Industrial District
Large Scale Commercial
Civic and Health Services Complex
Yosemite Slough Park and Waterfront Center

South Basin District
Year 2020 Focus Area Plan

Expanded Southeast Health Center
Senior Housing and Services District
Public Spaces and Green Streets
Enhanced Street Crossings
Environmental Cleanup and Redevelopment
Aurelious Walker (Fitch St.) Bridge

For Illustrative Purposes Only

Land Use Legend

- Retail Commercial
- Residential
- Civic, Cultural, Institutional and Educational
- Office
- Industrial
- Produce and Large Food Related Businesses
- Mixed Uses
- Mixed Uses with Residential
- Public Open Space
- Public Plaza Space
- Transportation
- Green Streets

Proposed and Potential Projects in the South Basin District

Existing assets to work with immediately include infill development of vacant and/or underutilized properties. A major priority is the expansion of the Southeast Health Center and identifying sites for senior housing and living facilities. With the Muni Light Rail line will come opportunities for developing large mixed-use projects with major stores below and housing on upper floors. Historic commercial buildings and residences throughout South Basin should be restored and retained to maintain community character wherever possible.

Expanded Southeast Health Center:

The Southeast Health Center is located on the corner of Keith and Armstrong, directly adjacent to Bayview Park. The Southeast Health Center is expanding its building as well as its services. Because of the great need for more health-related services in Bayview Hunters Point, the expansion of health related services around the Southeast Health Center and Bayview Park is desirable. The current concept includes a childcare center for mildly ill children, an emergency health service center, specialized medical services related to sicknesses prevalent in the Bayview Hunters Point community (asthma, cancer, heart disease), and a training facility for health care workers.

Environmental Clean-up and New Development:

Long-standing industrial land use and development patterns have rendered the waterfront all but inaccessible to pedestrians and left a legacy of pollution. Great strides have been made in cost-effective environmental mediation techniques and cleaner manufacturing technologies; by the year 2020, it is expected all industry will be ecologically intelligent. The community would like to see South Basin and the Yosemite Slough area in particular become a flagship project area that becomes a symbol of renewal and an important community destination.

Public Spaces and Green Streets:

Restoration of wetlands along Yosemite Slough. Continuous waterfront access connecting Candlestick Point on the south to the Hunters Point Shipyard on the north, Completion of proposed Bay Trail system and linkage with Light Rail stations areas. At end of every east-west street, there should be a Bay Trail connection.

Industrial Truck Parkway Route:

Vehicular access, especially truck access, is extremely important to the health of industrial areas. Clearly marked and adequately dimensioned truck routes between South Basin and U.S. 101 will require new routing, especially east-west routes that allow grade separation from the Caltrain tracks. Signage directing truck route traffic should not only direct traffic but prohibit truck traffic in residential areas. Major industrial serving streets should be improved with new paving, sidewalks, landscaping and alignments to promote efficient truck access and to improve the image of the area.

Fitch Street/Aurelious Walker Bridge:

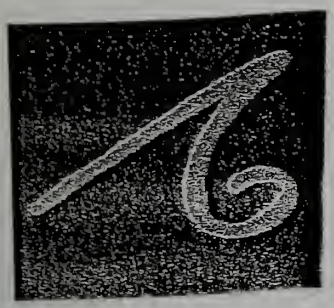
A bridge is proposed over Yosemite Slough along the Fitch Street right-of-way to connect the proposed ring road at the Candlestick/Mills development with Crisp Avenue in the Hunters Point Naval Shipyard. The bridge is proposed to include a transit right-of-way for any future light rail extension. The benefits of a bridge in this general vicinity include more direct access to the Shipyard from US Highway 101 via both Harney Way and Carroll Avenue. This would enhance the marketability and revitalization of the Shipyard. The bridge would allow pedestrians and bicyclists another waterfront route.

Housing:

Affordable housing is in great demand in Bayview Hunters Point. Residential opportunities in the area should be particularly targeted to seniors, in developments like that at Third Street adjacent to Bayview Park. Additional multi-family residential units developed should be on other larger parcels near Third Street, integrated with a mix of other uses.

Planning and Urban Design Standards:

he community requires thoughtful design standards for new development. Recent development proposals have received wide review and public comment, helping make them "fit" the community and become better projects. Height limits along Third Street have tentatively been determined as 65 feet, perhaps with some degree of flexibility in the most intensely developed areas around transit stations. Urban design standards along the corridor call for building facades up to the sidewalk, with articulated entrances and windows.



Chapter 6.

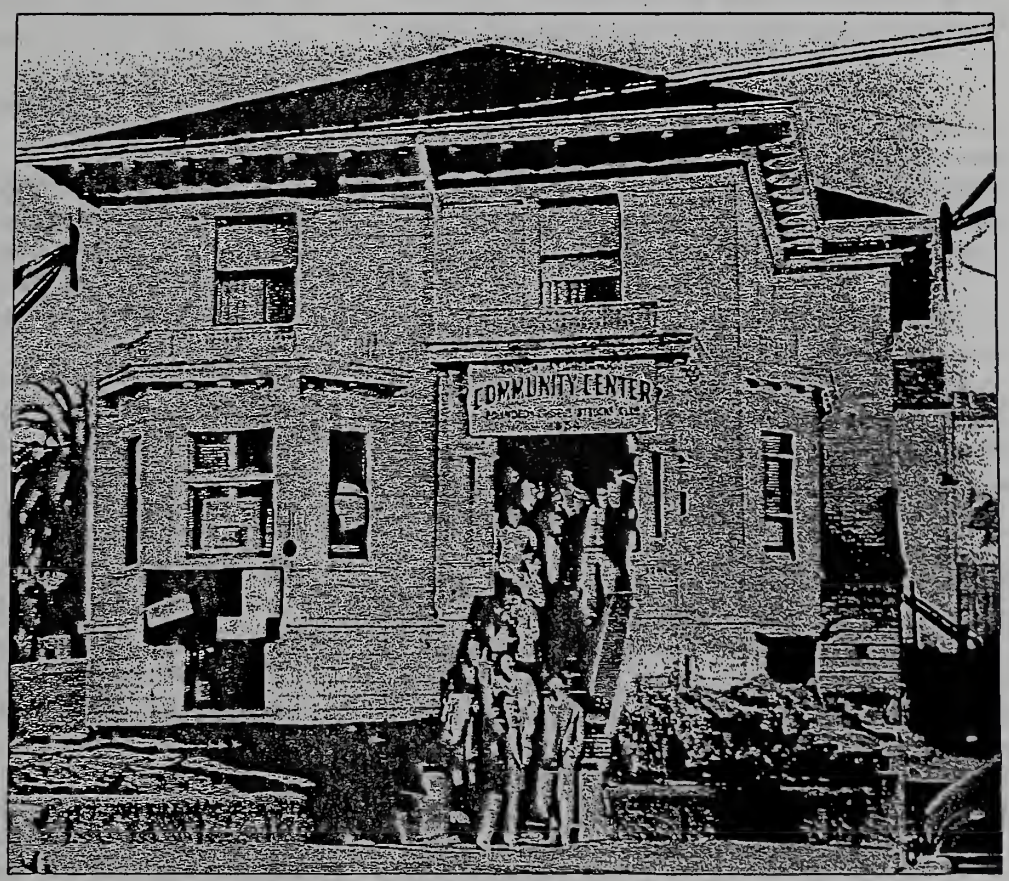
Implementation of the Concept Plan: From Vision to Action

Uniting Behind a Shared Vision

This *Revitalization Concept Plan* illustrates the unified vision created over the last four years from a diversity of viewpoints within the Bayview Hunters Point community. Great effort has gone into making this vision inclusive and building consensus around its goals. Members of the PAC and other community leaders are now entrusted with outreach to discuss the plan's content and recommendations with decision-makers and the entire community. This document is a "living" plan – as citizens and stakeholders read it, all comments will be gathered for discussion and included in subsequent printings.

The important implementation activities that must now take place include:

- *Building a Strong Coalition of Community Partners*
- *Prioritizing Revitalization Projects for Implementation*
- *Community Leadership and Grassroots Activities*
- *Adapting to Change*
- *Adopting Redevelopment Strategies*



Bayview neighborhood community center in the late 1950's. Courtesy of the SF History Center, San Francisco Public Library.

• *Building a Strong Coalition of Community Partners*

In order to fulfill the vision of the *Revitalization Concept* Plan, a variety of community stakeholders must come together to form an active broad-based coalition. The coalition has two levels of association: the first is local and community-based, the second is made up of municipal and regionally based partners from the public and private sectors. The Bayview Hunters Point PAC will be a major partner in this coalition, working to bring members together while joining with other community-based partners in specific revitalization efforts.

• *Prioritizing Revitalization Projects for Implementation*

Each stakeholder in the coalition will have priorities for revitalization. Some of these initial priorities will overlap with others and some will compete for attention. In order to meet the challenge of competing priorities, a consensus-building process has been developed that takes advantage of public discussion and critical analysis methods in two interrelated efforts: the *Bayview Hunters Point Blueprint for Action* and the *Bayview Hunters Point Redevelopment Plan*.

The Bayview Hunters Point Blueprint for Action

The first step of implementation is the creation of a community *Blueprint for Action*. Coalition members and all residents will be asked to comment on the projects outlined in the Chapter 5 *Focus Area Plans* and program needs identified in Chapter 4 *Area-Wide Recommendations*.

The projects and programs identified by this collaborative review will then be carefully studied to understand which must come first to lay the foundation for other efforts. For example, better senior nutrition programs may need new facilities and environmental clean-up must be complete before a new project can be built. The second part of this process is identifying all the agencies, organizations, and other partners who will work together to coordinate the implementation of a program or project. This includes identifying important sources of funding.

Once prioritization studies are completed, the *Blueprint for Action* will be written by a team of City agencies and reviewed by coalition partners. The *Blueprint* will be a five-year outline of prioritized projects and programs with a schedule for completion and guidelines for coordinated partner activities.

The Bayview Hunters Point Redevelopment Plan

Redevelopment planning has been simultaneously underway as the work on this *Revitalization Concept Plan* and coordinated with the PAC and its committees. The finalization of redevelopment planning and analysis by SFRA for Bayview Hunters Point will be completed soon, with anticipated adoption at the end of 2001.

Redevelopment planning requires in-depth analysis and community review before the City's Redevelopment Commission and Board of Supervisors can formally adopt a Plan. Once all analysis work is complete, specific areas within the community will be defined that meet the legal requirements necessary in order to use the tools offered by redevelopment, including the financing of local projects.

The PAC will then review the analysis, recommend redevelopment plan boundaries, and projects to be included from the *Revitalization Concept Plan*. Once details of the Plan are completed and approved, the PAC will then present their recommendations to the Redevelopment Agency Commissioners and then to the Board of Supervisors.

Several of the projects illustrated in the *Focus Area Plans* of Chapter 5 will be achievable with economic tools offered by redevelopment. The ultimate choice and definition of redevelopment projects will be also informed by coalition review of the *Blueprint for Action*.

An environmental analysis report (called an "EIR," *Environmental Impact Report*) will be created for the redevelopment plan that explains expected environmental outcomes as a result of specific projects. This report is publicly reviewed with a process of three rounds of open meetings, offering another significant opportunity to discuss project and program prioritization.

Once the EIR process is finished, the Plan will go to the Redevelopment Commission for approval and where the public will be invited to speak about community goals and priorities. Finally, the City's Board of Supervisors will adopt the Plan in a formal public meeting. The PAC will always be the citizen-elected voice advising the Redevelopment Agency once the Plan is complete and projects move forward into implementation.

• *Community Leadership and Grassroots Activities*

Citizens have a large set of responsibilities they must fulfill in order for revitalization to succeed without the negative aspects of gentrification and displacement currently threatening many communities in San Francisco. These responsibilities include six major areas of work to be accomplished at the grassroots level:*sense of hope.*

Get the Word Out

Community leaders need to get the word out about the *Revitalization Concept Plan* with coalition-building efforts that will inform the Blueprint for Action and Redevelopment Plan.

Strengthen Existing Neighborhoods

Within the *Revitalization Concept Plan* are a list of programs and resources that assist homeowners, property owners, and renters. Community leaders must take this information to the people who need it most, connect them with available resources, and help reinforce a

Support Affordable Housing

The key to retaining current residents of the community is to actively advocate and support affordable housing. Community leaders must form partnerships with affordable housing organizations, non-profit developers, public agency planners, and other specialists while working hard to bring all residents into the discussion.

Strengthen Existing Businesses

Existing businesses must be the primary focus of revitalizing commercial districts within Bayview. First, community leaders must exhort residents to purchase as many items as possible from local businesses. Next are the larger techniques described in the four-point model created by the Main Street Program that has been embraced by community leaders and currently under discussion with the City of San Francisco: *Organization, Promotion, Design, Economic Restructuring.*

Invite New Industries and Commercial Development into the Community

Community members are excited about new businesses, industries, and commercial development coming into Bayview and have identified where they see new growth occurring. The same promotional efforts to support existing businesses by the Main Street Program can work to create a positive setting for new industries and other economic development.

Review Development Proposals and Environmental Impact Reports

A worksheet with the seven "Strategic Questions" (using the Seven Revitalization Strategies) discussed at the beginning of Chapter 5 should be brought into every public meeting as a powerful community tool to judge the merits of development proposals. It is imperative that the community demand quality in both rehabilitation projects and new development.

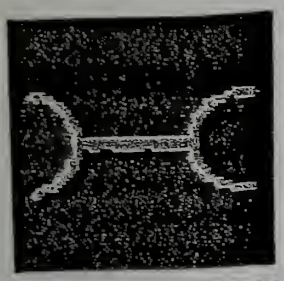
• *Adapting to Change*

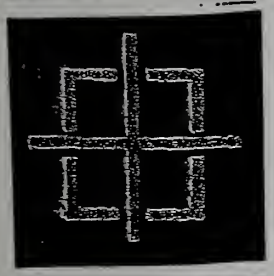
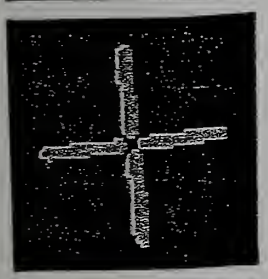
Certain aspects of this *Revitalization Concept Plan* and the *Year 2020 Vision Plans* will require adjustment as new opportunities present themselves over time. In order to understand and discuss change in a productive manner, an annual meeting of stakeholders and coalition members should be held to review plans, discuss projects, and make new priorities in work schedules.

In concert with plans and projects review, capacity-building efforts must be on-going and each member of the community enlisted into carrying forth the vision of a revitalized Bayview Hunters Point.

In all cases, both today and tomorrow, the community must make themselves politically heard through public meeting comments, interaction with their District 10 Supervisor, and letters to the Mayor's Office. The future of the community is a joint vision and a shared responsibility.

For the people of Bayview — the most important aspect of bringing these plans to action is your involvement! Whether you are reading this plan in the year 2001 or 2020, take control of your own destiny: talk to your neighbors, attend every public meeting you can, and make your voice heard. With your support and dedicated efforts, this Revitalization Concept Plan will continue to serve as a strong foundation for the healthy future you are working so hard to create.



Comments:

Please take time out to read this Executive Summary and record your comments here! We will use this valuable information as we work towards the development of a Bayview Hunters Point Redevelopment Plan and Blueprint for Action. You can either mail this form to the PAC office or fax it to us at (415) 647-6651. Please call the PAC Hotline at (415) 643-8562 or visit the PAC website at www.bvhp-pac.org if you'd like more information and/or a full copy of the 200+ page *Bayview Hunters Point Community Revitalization Concept Plan.*

Your Name :

Phone/Fax/E-mail:

Mailing Address:

☐ *Please send me the full 200+ page Bayview Hunters Point Community Revitalization Concept Plan*

☐ *Please contact me. I'm interested in serving on a PAC Committee*

☐ *Please put me on your regular mailing list*

☐ *Please don't send me any regular mailings*

Place
Stamp
Here

Bayview Hunters Point
Project Area Committee (PAC)
1800 Oakdale Avenue
Suite B, Room 8
San Francisco, CA 94124

Please take time out to read this Executive Summary and give us your feedback! We will use this valuable information as we work towards the development of a Bayview Hunters Point Redevelopment Plan and Blueprint for Action. We've provided a tear-out "Comments Page" on page 39 for your convenience. You can either mail this form to the PAC office or fax it to us at (415) 647-6651.

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SAN FRANCISCO REDEVELOPMENT AGENCY
MEMORANDUM

TO: Southern Waterfront Advisory Committee
FROM: Stanley Muraoka
DATE: March 26, 2001

RE: Status of the Framework Open Space Program

SUMMARY

The Bayview Hunters Point Project Area Committee ("PAC") and Agency have been working collaboratively with the Bayview Hunters Point community since 1997 to develop a unified and comprehensive vision for neighborhood revitalization. The PAC consists of 21 members elected to represent the community. The PAC has worked diligently over the last four years to prepare a community-based framework that defined a long-term vision to guide future growth, prioritized recommended programs, and assessed development proposals. Recommendations and proposals developed through this process are outlined in the *Community Revitalization Concept Plan.*

Essential to any comprehensive planning effort is the development of a holistic framework for the long-term maintenance, enhancement and development of the community's open space and recreation system. The Concept Plan and more specifically, its section devoted to open space and the waterfront, is a starting point for the development of a "Framework Open Space Program." This section of the Concept Plan reviews important facts about community needs, lists existing programs serving community goals, and provides community recommendations to guide the revitalization of Bayview's open space and recreation system.

The Agency is looking to collaborate with the Recreation and Park Commission on the development of a Framework Open Space Program that will be guided by the community's recommendations and incorporate the combined knowledge and resources of those agencies responsible for the administration, planning, zoning, management, funding, operation and maintenance of Bayview's parks, open spaces, recreation facilities and the waterfront. This Framework Open Space Program will be a component of a Proposed Bayview Hunters Point Redevelopment Plan that upon adoption by the Bayview PAC, the Agency Commission, the Recreation and Park Commission, the Planning Commission, and the Board of Supervisors, would serve as a 20-30 year roadmap to guide the Agency's and the City's investments in the community.

DISCUSSION

History of Bayview's Community Planning Efforts

Beginning in late 1986, Bayview community members engaged in an extensive effort with the San Francisco Planning Department to create the *South Bayshore Area Plan*, which was adopted in 1995. This plan currently guides development in Bayview Hunters Point through policies and

objectives addressing Land Use, Transportation, Housing, Commerce, Industry, Recreation and Open Space, Urban Design, Community Facilities and Services, and Public Safety.

While completing the *Area Plan* with the City's Planning Department, community members considered how to turn the stated policies and objectives into real plans, programs, and projects. Questions were raised about realistic outcomes for implementation and the possibility of engaging the City's redevelopment arm: the San Francisco Redevelopment Agency. Community leaders determined that positive revitalization efforts could be accomplished by using the powerful tools of redevelopment, if it involved a community-based process.

In August 1994, the South Bayshore Community Development Corporation ("SBCDC"), a non-profit corporation formed by community leaders to synthesize and guide revitalization efforts, and the Agency entered into a partnership to reach out to the community to discuss and document ideas for plans, programs and projects using a community-based process. The SBCDC worked to create a *Preliminary Plan for Redevelopment* in conjunction with community members and Agency staff. This work was an important step in identifying community revitalization concepts.

As required by California Community Redevelopment Law, the next step in redevelopment planning for Bayview Hunters Point was the formation of an inclusive Project Area Committee. The law requires representatives be elected from four major categories of local citizens: residential tenants, homeowners, business or property owners, and representatives of community organizations. The PAC is a publicly elected body of citizens representing the Bayview Hunters Point community in planning for the future and in guiding redevelopment efforts.

On January 16, 1997, over 750 community members came out to elect their community representatives. The Board of Supervisors approved and certified the election of the Bayview Hunters Point PAC on February 10, 1997. Since the first meeting in early 1997, the PAC has had two simultaneous concerns: to remember the efforts of community leaders and citizen planning groups who preceded them, and to seek input from the present-day community.

Other Redevelopment Activities in Bayview Hunters Point

Prior and simultaneous to the community-wide planning efforts described above, the Agency has been active in the Bayview Hunters Point community since the late 1960's with four specific redevelopment efforts:

- Hunters Point Hill Redevelopment Project (adopted January 20, 1969),
- India Basin Industrial Park Redevelopment Project (adopted January 20, 1969),
- Bayview Industrial Triangle Redevelopment Project (adopted June 23, 1980) and finally,
- Hunters Point Shipyard Redevelopment Project (adopted on July 14, 1997).

The Hunters Point Hill Project Area was adopted in 1969 and encompasses 137 acres of former wartime housing. Completed housing developments provide a total of 1,530 affordable units and 269 market-rate units. Completed public improvements include seven schools and youth centers, eleven public parks and plazas, and new streets with landscaping. Also adopted in 1969, the

India Basin Project Area encompasses 126 acres of former industrial land. Major landmarks of these efforts include the United States Post Office distribution center, City College's Evans vocational campus, and Bayview Plaza.

The Bayview Industrial Triangle Project has been largely dormant since it was adopted. Detailed programs for the Shipyard's recently adopted Preliminary Development Concept Plan submitted by the developer group Lennar/BVHP Partners are currently being refined.

Bayview's Open Space and the Waterfront: Community Issues and Existing Conditions

There is a critical need for parks, playgrounds and recreation facilities to better serve this community, characterized as one of the fastest growing in the City over the last two decades. As one of the most diverse, ethnically and economically, households in 1990 were typically families (89% of all households) with children (59% of all households). There is also a large component of single-female householders with children (22% versus 6% citywide). Average household size is much larger than that of the city (3.26 versus 2.3 citywide) with comparatively larger numbers of children, young adults and elderly.

Today, the City of San Francisco Recreation and Park Department and the Port of San Francisco steward 112 acres of natural areas and wetlands within the community including Bayview Hill, India Basin Shoreline Park, Heron's Head Park, and the Palou-Phelps Natural Area. The City's Recreation and Park Department also oversees the maintenance of Candlestick Stadium and grounds adjacent to Candlestick State Recreation Area. Eleven city-owned parks and playgrounds in the community occupy approximately 34 acres. Another approximately 5 acres of small facilities is found within Housing Authority areas. These smaller parks and playgrounds tend to have limited program activities within facilities that are in need of repair or modernization.

Creating an effective open space and waterfront system that truly serves the needs of the community and that is fully integrated into the lives of Bayview residents will require a deep understanding of unmet needs coupled with opportunities for building upon existing strengths. Several open space needs assessments have been conducted over the last three years including the Action Plan Open Space Working Group Assessment, 1998-1999; District 10 Needs Assessment 1998-1999: San Francisco Recreation and Park Department; Coleman Advocates /Parent Advocates for Youth 1997 Park Report: "*How Well Are Recreation & Park Programs Serving Our Kids?*" KDG Architects Youth Report, 1997; and The Gateway Project and "*Oasis Plan for Bayview Hunters Point.*"

General findings related to Bayview Hunters Point include:

- Along the waterfront, the history of industrial use and war-era constructions has made the shoreline inaccessible to the public.

- A ratio of 3.5 acres of public open space per 1,000 residents is woefully inadequate. Note that some of this open space is not technically accessible, such as upon the slopes adjacent to Silver Terrace or Bayview Hill.

- There is a lack of large-scale parks with facilities for organized league sports activities comparable to other neighborhoods of the City.

- There has been a long-term lack of adequate capital funding to maintain existing facilities or provide programs for residents, especially youth and seniors.

- There is no unified open space network linking open space elements and many citizens suffer from serious physical obstacles to accessing facilities.

- The activities of agencies and grassroots organizations are largely uncoordinated. The San Francisco Recreation and Park Department, Port of San Francisco, San Francisco Redevelopment Agency, California State Park Department, and various private owners of waterfront properties all share jurisdiction over individual portions of the open space network. In addition, various grassroots organizations promote stewardship of open space and improvements ranging from community gardens to creek restoration.

Bayview's Open Space and the Waterfront: Community Recommendations

The Bayview Hunters Point community seeks the creation of a network of public open spaces and recreational areas, restoration of ecological health to the environment, and reclamation of the heritage of its waterfront as a significant part of larger community revitalization efforts. The ultimate goal is an open space and waterfront system that sets the stage for a full-scale cultural and economic renaissance in Bayview Hunters Point. Ecologically healthy, safe, and beautiful open spaces and facilities will enhance the area's attractiveness as a place to live, work and play. Focused investment by the private, non-profit, and public sectors to develop new open space and facilities must be coordinated with efforts to renovate and maintain existing resources in order to create positive effects in and for the community.

Recommendations formed by the community to restore, enhance and develop its open space and waterfront system are summarized as:

- *Creating a park and recreation system equal to that in other City communities.*

- *Establishing a "green infrastructure" of streets, walkways, stairways and bridges to interconnect open spaces, bay waterfront and inlet areas, and public transit.*

- *Restoring waterfront and other natural areas while providing enhanced public access by completing and expanding the Bay Trail.*

- *Creating a new large recreational park with a full spectrum of league sports and other facilities.*

- *Improving existing parks, community gardens, neighborhood recreation facilities and playgrounds with sustainable maintenance and programming.*

Framework Open Space Program Collaboration

The Agency and the PAC is initiating a formal dialogue and partnership with the Department of Recreation and Park with the aim of developing a long term Framework Open Space Program for Bayview Hunters Point. This collaboration could include:

1. Support in the facilitation of better cooperation between those agencies responsible for the administration, planning, zoning, management, funding, operation and maintenance of Bayview's parks and open spaces with the aim of efficiency and consolidation.

2. Partnering to develop long term fiscal strategies needed to appropriately fund capital projects, maintenance, programming, staffing and operations of existing Recreation and Park properties.

3. Jointly developing a strategy for the creation of new park and recreation facilities, and long-term care of new and existing facilities.

4. Jointly developing a strategy for the smooth transition of parks and open spaces that are currently owned and maintained by the Redevelopment Agency but which will be handed over to the City when the existing Redevelopment Projects expire or sooner.

Working together, the Agency Commission and the RecPark Commission would likely be asked to review and/or approve efforts that would necessitate an increase in Recreation and Park staffing, require jurisdictional transfers of land from the Agency to the Department of Recreation and Park, possibly create zoning changes related to open space, involve property acquisition for the purposes of increasing open space and recreation facilities, and possibly obligate Agency and City funds.

Next Steps to Initiate Collaboration

With the goal of adopting a Bayview Hunters Point Redevelopment Plan by December 2001, that includes a Framework Open Space Program approved by Agency Commission and Recreation and Park Commission, next steps could include:

1. Introductory informational presentations to the Agency Commission, Open Space Advisory Committee, the Parks and Planning Committee and the Recreation and Park Commission (Current Step).

2. Follow up sessions and coordination with appropriate Recreation and Park staff on an on-going basis.

3. Community outreach efforts in conjunction with the Bayview Hunters Point Project Area committee.

4. A round of progress presentations with the Open Space Advisory Committee and the Parks and Planning Committee for review and input.

5. Presentation of a Draft Framework Open Space Program for review by the Agency Commission and Recreation and Park Commission, mid-summer, 2001.

6. A final round of progress presentations with the Open Space Advisory Committee and the Parks and Planning Committee for review and input.

7. Presentation of a Final Draft Framework Open Space Program to the Agency Commission and Recreation and Park Commission for approval in fall, 2001.

8. Redevelopment Plan Adoption (including Framework Open Space Program), December 2001.

PORT OF SAN FRANCISCO

April 9, 2001

Bayview Hunters Point Project Area Committee (PAC)
1800 Oakdale Avenue, Suite B, Room 8
San Francisco, CA. 94124

Subject: Bayview Hunters Point Community Revitalization Concept Plan

Dear Bayview Hunters Point Project Area Committee Members:

The Planning and Development staff of the Port of San Francisco has reviewed the Executive Summary of the Bayview Hunters Point Community Revitalization Concept Plan. We support the major goals and policies cited in the Plan and look forward to working with the PAC to facilitate programs that support and implement the Plan.

A presentation of the Concept Plan will be made to the Port's two advisory groups concerned with the Southern Waterfront in coming months. These two groups are the Southern Waterfront Advisory Committee (SWAC) and the Maritime Advisory Committee (MAC). Port staff will summit a more formal and comprehensive response to the Redevelopment Agency regarding the Concept Plan and the Open Space and the Waterfront element after these presentations.

Nevertheless, we would like to briefly comment on some aspects of the proposed uses in the Concept Plan. Specifically the Plan proposes a new waterfront park on Port property at Piers 90-96. Development of this area is controlled by the Waterfront Land Use Plan adopted in 1997 after a seven-year community process. The park use is inconsistent with Waterfront Plan, which calls for cargo maritime and needed backland support uses. Further, the Concept Plan states that Port lands in the northern industrial area are not amenable to maritime use. The Bay Conservation and Development Commission's Seaport Plan contradicts this finding and restricts the area to maritime use.

The Port supports new and enhanced public access facilities along the southern waterfront. Heron's Head Park is a prime example of our commitment. We look forward to working with the Bayview Hunters Point Project Area Committee in your efforts to revitalize the Bayview Hunters Point community.

Sincerely,

Byron Rhett, Director Planning and Development

cc: Stan Muraoka, Redevelopment Staff

ATTACHMENT C

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PORT COMMISSION

MAY 8, 2001
MINUTES OF THE REGULAR MEETING

DOCUMENTS DEPT.

MAY 18 2001

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DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION

REGULAR MEETING
MAY 8, 2001

1. ROLL CALL

Commission President Kimberly Brandon called the meeting to order at 4:02 p.m. The following Commissioners were in attendance: Kimberly Brandon, Brian McWilliams, Denise McCarthy, Michael Hardeman and Pius Lee.

2. APPROVAL OF MINUTES - April 12, 2001 Special Meeting
- April 18, 2001 Special Meeting

Commissioner Hardeman made a correction to the second paragraph on page 8 of the April 18, 2001 meeting minutes – replace the word "upon" with "without."

ACTION: Commissioner Hardeman moved approval of the minutes, as amended; Commissioner Lee seconded the motion. All of the Commissioners were in favor. The minutes of the April 12 and April 18 meetings were adopted.

3. EXECUTIVE

A. Executive Director's Report. Karen Clopton was the acting Executive Director. Mr. Wong was attending the Board of Supervisors hearing (he arrived at the meeting around 4:15 p.m.). She reported the following:

- Release of the Maritime Industrial Study

  The Port has just released a consultant-prepared Maritime Industrial Study report prepared by a consultant team of Sedway Associates, Martin and Associates, and JWD Associates. The purpose of the report is to provide an updated analysis of cargo and maritime industry market trends and their implications for business opportunities for the Port of San Francisco. Following up on the maritime market analysis is an assessment of the Port's facilities, mostly located south of China Basin Channel, and their ability to accommodate current and future market opportunities. In addition, the facilities analysis included general condition assessments.

  The report was just released yesterday, and is available to the public. Informational briefings on the Maritime Industrial Study are scheduled for the Maritime Commerce Advisory Committee on May 11th, the Southern Waterfront Advisory Committee on May 21, and the Port Commission on May 22nd.

- Fatality at the Ferry Building - Hilary St. John, a 20-year employee of Plant Construction, was killed on Tuesday, April 24, while working on the historic renovation. There is an ongoing Cal/OSHA and DA investigation and the Port is confident that Wilson Cornerstone, the developer, is committed to safety at the worksite.

  Jennifer Clary, San Francisco Tomorrow, thanked the Commission for the Maritime Industrial Study. She suggested following that up with the study of the fishing industry, how the growth of that industry would be accommodated over the next 20 years. She also suggested a recreational maritime study, identifying areas of the waterfront appropriate for different kinds of recreational opportunities.

4. OPERATIONS

A. Request for authorization to enter into a contract with Wonderware Corporation to purchase software licenses and consulting services to implement their *Avantis* Facility Maintenance Management software. (Resolution No. 01-32)

John Barnett, Manager of Information Systems, presented the item and requested Commission's approval.

In response to Commissioner McCarthy's inquiry about the old system, Mr. Barnett replied that the old system was a card file, which was done manually. Currently, the Port Maintenance Operations is being run without any computer support. With this contract, the Port would be able to efficiently and effectively manage its facility maintenance business process.

Commissioner McCarthy asked about the duration of the software system. Mr. Barnett replied that current software products have had short duration because state-of-the-art technology has increased. This package is currently state-of-the-art and is on an Oracle platform, which is the Port's basic database system. This product would most likely be in operation for a minimum of five years or longer. This product is flexible and it has the advantage of being able to be customized and enhanced over time, which would lengthen the amount of usable time.

In response to Commissioner McCarthy inquiry regarding the contract amount, Mr. Barnett replied that of all the proposals received, this was in the middle range and the price was reasonable. However during the negotiation process, staff would be able to negotiate the amount of contract.

ACTION: Commissioner McCarthy moved approval; Commissioner Hardeman seconded the motion. All of the Commissioners were in favor. Resolution No. 01-32 was adopted.

5. MARITIME

A. Request for approval of sublease between Marine Terminals Company and Neoplan USA Corporation for 33,700 sq. ft. of shed A at Pier 80. (Resolution No. 01-34)

Mr. Peter Dailey, Maritime Director, presented the item and requested Commission's approval.

ACTION: Commissioner Hardeman moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor. Resolution No. 01-34 was adopted.

6. ENGINEERING & MAINTENANCE

A. Request for authorization to award Contract Number 2670, "Pier 34 Demolition" to Zaccor Companies, Inc., for $787,618.00 plus a 10% construction contingency. (Resolution No. 01-33)

Mr. Ed Byrne, Project, Engineer, presented the item and requested Commission's approval.

Michael Talia, Associated General Contractors of CA, thanked the Commission for the request for authorization to award Contract No. 2670 to Zaccor Companies. He represents not only AGC members like Zaccor Companies but also the construction industry as a whole and reiterated his statements at the last Commission meetings when all the bids were rejected. They continue to believe that this process provides a three-tier economic burden not only to the contracting community bidding this work but also to the Port because oftentimes when the projects are rebid, the bids come in at an escalated cost. Ultimately, this may represent a retardation of the delivery process because many contractors may get frustrated and may not bid on future Port contracts. He thanked the Commission for the award. He also reiterated that they have a liaison committee with the Port's construction and engineering staff. They are working on issues critical to the construction industry.

In response to Commissioner McCarthy's inquiry regarding the low bidder's bid and whether they would be able to perform quality work, Mr. Byrne replied that although their bid was lower than the other bidders and also under the engineer's estimate, staff feels confident of Zaccor's ability to perform quality work. Zaccor has, in the past, successfully worked on other Port projects, on time and on budget.

ACTION: Commissioner McWilliams moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor. Resolution No. 01-33 was adopted.

7. PLANNING & DEVELOPMENT

A. Informational Briefing regarding the Draft Bayview Hunters Point Community Revitalization Concept Plan for the Bayview Hunters Point Redevelopment Survey Area.

Diane Oshima, Waterfront Planning Manager, gave a brief overview of the item. The staff report highlighted and summarized the basic goals of the plan. Port staff intends to discuss the concept plan as well as the Maritime Industrial Study with the Maritime Commerce Advisory Committee at their May 11th meeting. The Southern Waterfront

Advisory Committee (SWAC) is scheduled to be briefed on the concept plan at their May 21st meeting.

The Port's property, portions of Pier 80 through 98 and the fragments that the Port owns in the India Basin area, are included within the Northern Industrial Area. In that area, there are a number of policies and directives that are compatible and consistent with the direction that the Port and the SWAC are heading into. However, there is a proposed concept in the plan about locating a large major park somewhere in the Bayview Hunters Point area. One of the candidate sites is on Port's property, which directly implicates its southern marine terminal and is foreseen as a considerable conflict.

The Bayview Hunters Point Project Area Committee (BVHP PAC) and the Redevelopment Agency are currently soliciting public comments on this plan. Redevelopment Agency staff is currently in the process of developing a first-cut draft of an actual Redevelopment Plan. Comments during the month of May would be timely to provide input in directing a Redevelopment Plan that resolves issues and finds new ways that could meet respective objectives in the area.

Stan Muraoka, Redevelopment Agency staff, circulated a copy and discussed the Bayview Hunters Point Framework Open Space Program with the Commission. The Agency has been working very closely with the BVHP PAC, a 21-member body elected to represent the community to advice the Agency on redevelopment planning within the Bayview Hunters Point district.

The PAC adopted the text of the concept plan in November 2000. The concept plan clarifies the economic, social, education and environmental needs of the community. This text is available on the BVHP PAC website. They are currently in the process of incorporating all of the maps and graphics and a full concept plan would be available within the coming months and will be forwarded to the Commission. The Port staff report contains the most important policies and objectives that the community and the project area committee have created. They are currently working with PAC on a draft Bayview Hunters Point Redevelopment Plan. The Redevelopment Plan would be a plan amendment of the existing three redevelopment plans in Bayview Hunters Point, which includes India Basin, Hunters Point Hill and Bayview Industrial Triangle. In the process, they are proposing to add significant, new territory that is within the Bayview Hunters Point Area. Attached to the report is a map from the concept plan that would illustrate the extent of the Redevelopment Survey area. It runs from Cesar Chavez Boulevard, south to the county line and from highway 101 to the bay and it includes everything except for Hunter's Point Shipyard, which is a different Redevelopment project.

In creating the draft Redevelopment Plan, they are taking the policies and objectives that are in the concept plan and create a legislative document that will come before their Commission sometime in October and to the Board of Supervisors for their consideration. The Redevelopment Plan consists of three major programs:
(1) Economic Development; (2) Housing; and (3) Open Space.

The economic development program will prioritize redevelopment involvement at six specific activity nodes, where commercial and industrial development will occur along with residential construction as determined appropriate by the PAC and the Agency. The intent of the economic development program is to facilitate new development in the activity nodes that would be expected to directly and indirectly alleviate blight and thereby stimulate private sector investment and development in the area.

There are potentially two activity nodes that impact Port properties:

(1) The Evans activity node runs from Cesar Chavez on both sides of Third Street down to Jerrold Street. It includes an area that is currently a part of the India Basin Industrial Park, all of Bayview Industrial Triangle and most of the M1 and M2 Industrial Land that border both sides of Third Street. The concept plan envisions and what they are carrying forth in the Redevelopment Plan is to create a commercial nucleus around the intersection of Evans and Third such as: (a) bringing up the commercial and retail viability of Bayview Plaza; (b) building out the blighted plan that is in the Bayview Industrial Triangle; (c) creating land use adjustments in India Basin and on the land to the west to accommodate neighborhood commercial type of uses and potentially some residential uses. This would have a potential effect on Port property because the Port property neighbors the India Basin Industrial Park just to the north of Cargo Way.

(2) India Basin (Hunters Point Shoreline Activity Node), this area encompasses both the undeveloped portions of Hunters Point Hill that front onto Innes Avenue and extend out towards India Basin to include the M1 industrial land that lies to the north of Innes Avenue. It includes the site of the existing Hunters Point power plant. The community has proposals to create mixed-use development on much of the land that lies north of Innes Avenue. It is within proximity to Port property.

In terms of the housing program, the Agency is partnering with the Mayor's Office of Housing and the Housing Authority to create a comprehensive program for affordable housing development throughout Bayview Hunters Point. They are looking for housing opportunity sites including opportunity sites within those two activity nodes as well as elsewhere in the Bayview Hunters Point. Their goal is to maintain the existing balance of homeowners and renters in the Bayview Hunters Point area as well as to preserve, to the extent possible, all of the existing affordable homeowner and rental units that are in the area.

The BVHP PAC, in collaboration with Agency staff, is working on the Framework Open Space Program, which will include existing and new open spaces in the community. New open spaces currently under consideration include land in the shipyard, on Port land north of Cargo Way and on State lands around Yosemite Slough. The proposal to create open space in the area north of Cargo Way started when the project area committee received grant funding to do an open space study. The study highlighted that area as a possible location for a major park. They are cognizant of the conflicts that exist between the BVHP PAC's concept plan and the Port's Waterfront Land Use Plan and the need to have a discussion with the Port to determine potential areas for open space.

The Agency is, at this point, diagrammatically indicating the three major open space areas. The firmest would be the land slated for open space on the shipyard. That land is programmed into the Redevelopment Plan and in the Agency and the Mayor's office negotiations with the primary developer. That land must be committed to open space and park use. They are also fairly firmed with the land that is identified within the State Lands jurisdiction. They will work with State Lands to create open space acreage. They will also work with the 49ers because a major portion of that future potential park area was slated to be used for their overflow parking. The Agency would like to entertain continued discussion with the Port Commission on any feasible acreage available for open space for use by the Bayview Hunters Point community. They are actively working to develop the San Francisco Bay Trail through the Bayview area. They have been working through the Rec & Park Department along with the Trust for Public Lands the India Basin Renaissance, which is to create a major shoreline park from Heron's Head all the way to Lockwood Landing and the shipyard. This would create a green waterfront park along that entire land. They are anxious to develop a network of waterfront-oriented open space throughout Bayview.

The other two aspects of the Framework Open Space Program that has some potential effect on Port property would be the Streetscape Plan and Green Street Plan. They propose to create a streetscape plan for the entire length of Third Street, from Cesar Chavez Blvd. down to Mead Avenue, which has a potential effect on Port property that lies to the west of Third Street. They are coordinating with Muni. As a starting point, using the Muni Urban Design Guidelines for their light rail with the intent of creating a visual corridor along the length of Third Street with identified signage with a lot of landscaping and building upon the landscaping that they have installed along the edges of Third Street and India Basin. The intent is to create a true identity for the Bayview Hunters Point community, comparable to the public improvements and coordinating color palette and materials along the Embarcadero. The Green Street Program is in partnership with the Housing Authority, the Mayor's Office of Housing and the Dept. of Public Works to install landscaping and street improvements throughout the Bayview community. The intent of both the Streetscape Program and the Green Street Program is to change the ambience of the Bayview Hunters Point community, to be pedestrian community oriented and to have a green look to the streets.

Jennifer Clary, San Francisco Tomorrow, indicated that this process took five years to get the open space plan approved for north of Mission Creek. She asked if the Port has any plans to start work at the south of Mission Creek because of the conflict on the backlands - the Agency wants open space, the Port wants industrial. The Port also has a conflict with SFT at SWL 337, they want open space, the Port thinks it's going to be an arena. This might be the time to start a planning process for south of Mission Creek.

Charlie Walker indicated that the Redevelopment Agency is asking the Port to give them some of the places where people can gainfully make a living by utilizing those piers. The Agency informs the Commission that they are working with the PAC and they have the community's support. He claimed that the Agency pays PAC staff to police them. They have done it in the past and they continue to do it; they did it in the Western Addition. Now, they want to take the pier and put playgrounds when the

Bayview Hunters Point area needs more jobs. He suggested that the Port ask the Agency how they can reconcile with the fact that they are dealing with people in the community who don't know anything about planning or engineer. He suggested that the agency pay engineers to do the work. It's wrong for them to pay people in the community to police them. It's wrong for them to take the pier. He suggested that the Commission not just give them the piers but participate in the process so that they do not take advantage of the people in the Bayview Hunters Point. He asked the Commission to ask the Agency to come up with a better story and have better participation in the community and not to pay their salary. If they pay them, they will do whatever the Agency asks of them.

In response to Commissioner McWilliams inquiry about the Bayview Industrial Triangle, Mr. Muraoka replied that the Bayview Industrial Triangle starts roughly at Third and Evans, directly across the street from Bayview Plaza and goes down for about a block and a half past Jerrold. It is a triangle strip of land between Phelps and Third Street, roughly from Evans down to LaSalle.

In response to Commissioner McCarthy's inquiry regarding how this project would be presented to the community, Mr. Muraoka replied that this is the starting point for their discussion. This is the map that is in the revitalization concept plan. He does not envision that this will be the map that will be carried forward as part of the framework open space program. It will be shaped from community input and from various City departments and agencies. They are projecting to have a preliminary draft redevelopment plan. The framework open space program along with the housing program and the economic development program will be chapters of that redevelopment plan. They are scheduled to have a preliminary draft this summer and will be for public discussion. They are projecting to compile all the comments into successive revisions of the document and to have a draft redevelopment plan presented to their Commission sometime in October.

Commissioner McCarthy indicated that serious discussions need to take place between the Port and the Agency. She was concerned that if the map were shown as is to the public, it would set up an interpretation by the public that is not based on fact. The area shown on the map is a major maritime area and not a transitional area. If this goes through the Agency's Commission, it would be hard to change the plans. She asked at what point would the map not be shown in this format.

Mr. Muraoka replied that they are currently exploring the uses with Port staff. They acknowledged that the land is fully leased, have viable uses, and there are proposals for future leases as well. The Agency is trying to walk the fine line to meet the desires and the vision of the community for increased open space particularly in that area along their need to create a redevelopment plan and implement it to the best of their ability. It does not include doing anything on Port property; the Port would have to take the lead on this. They are partnering with various City departments and agencies to restructure their projects and to change the infrastructures that their streets lead into the City streets so that it is perceived as one residential community. They are partnering with the Rec & Park Department and are in the process of deeding to them agency owned parks so that it would all fall under one jurisdiction. They are partnering with DPH and with DPW to fill an expansion of the southeast health center

and with DPW to build roadway improvements.

Commissioner Brandon asked if the Agency would like to build new infrastructure for the Port to support those maritime businesses that are in existence. Mr. Muraoka replied that they are open to discussions that issue as well.

Commissioner Brandon asked about a brief overview of what is being proposed. Ms. Oshima explained that Port staff has met with staff of the Redevelopment Agency to identify public access, open space and landscaping opportunities on Port property that: 1) is compatible with continued cargo terminal operations and industrial uses; build an interconnected network that also implements the Bay Trail; and incorporates landscaping, open space and "Gateway" opportunities promoted in the Bayview Hunters-Point Concept Plan. Ms. Oshima briefly reviewed some of the public access opportunities, and suggested that the staff schedule a future presentation to the Commission with maps to facilitate an understanding of the public access concepts that have been identified. These concepts include: expansion of public access around Islais Creek; public access and/or public art or other public improvements to create a Gateway feature at Third and Cargo Way, as promoted in the BVHP Concept Plan; new landscaped corridor along the entire stretch of Cargo Way, from Third Street into Heron's Head Park.

Commissioner McCarthy asked what the next steps would be to address these public access concepts and comments on the BVHP Concept Plan. Commissioner McCarthy requested that the BVHP Concept Plan be scheduled for additional review and comment at an upcoming Commission meeting. Ms. Oshima agreed this was a good idea because it also would allow the Commission to receive comments on the Concept Plan from the Port's Maritime Commerce and Southern Waterfront Advisory Committees.

Commissioner McWilliams indicated that it's of grave concern for all of us, definitely, the working community – longshore, transportation and the Port Commission – to maintain and promote maritime. The idea that the marine facility at Pier 94/96 could be vacated in favor of a park is not a possibility. For this to be presented out in the general community as even a possibility is not a practical demonstration of what could possibly be the end result of what's going to happen there. It is of grave concern to him that we have been part of the process all along in providing information to the people who made the decision to come up with this and they completely ignored it. Now the Port is in a place where we start to react instead of being part of the process which has been ongoing.

Mr. Muraoka replied that he understood and shared the Commission's concerns. What the map represents is the vision of the community as embodied in the concept plan. The concept plan is a document of the community and the project area committee. Admittedly, the Agency staff assisted the PAC in creating this document. They are headed in something different i.e. the Bayview Hunters Point Redevelopment Plan which is a legislative document. It is a document that the Redevelopment Agency will take ownership of. They have to look very carefully at the representations they have in that Redevelopment Plan because it sets the tone for what the City is committing itself to. It is important to note that they have sometime between now and October to work

through a process where there could be no Port property identified or shown for open space or there could be a linear strip along Cargo Way. It is not appropriate for him to propose anything to the Commission but it would be more appropriate for him to continue to seek comments from SWAC, Port Commission and Port staff and have that work its way in their process of coming up with a framework open space program that would work for everybody. This is the starting point of the discussion. There are obviously some problems. He would not be foolish to say that they are just going to drop it completely out of the plan because it is carried in the concept plan. They have to go through good faith efforts on behalf of the community to discuss what portions, if any, are worth carrying forward. He believed that it has to be tempered with what the Commission is charged with, it has to be tempered with what is in the concept plan itself. It has to be tempered with the competing goals for long-term growth and economic stability, jobs, and businesses for the Bayview community and temper that with along the desires of the community to have an area to live in that is environmentally better than it is today that has less pollution, less in the way of toxic contaminants and has more green space and breathing space. It is in light of that, that it would be worthwhile for them to look seriously at the question of is there any land that is appropriate for open space within the area they have indicated. They are going through the process in starting the negotiations with State Lands. They have to follow the same process with the State Lands Commission in terms of lands that are in the Candlestick Point area.

Commissioner McWilliams indicated that, as a policy setting body, the Commission would like weigh in as soon as possible and as strongly as they can to help shape the process before it gets farther down the line.

Mr. Muraoka replied that the Agency staff is open to any comments that the Port Commission have in terms of the appropriate policy for land under the Commission's jurisdiction.

Ernestine Weiss indicated that she does not want to see any urban removal in this area. She would like to see a plan for affordable housing. This is a wonderful opportunity to use land properly and to use open space. The people who live there have never had parklands. That is very valuable but not at the expense of the Port's piers. This could be compromised and not infringe upon the Port's ideas for expansion. The Port can give open space and keep it too with good design. The Port is capable of doing that with the Agency. Redevelopment is usually a red flag to people. They fear that when they come in, they would just grab the land as they did in the Fillmore. They don't want that repeated at the Bayview Hunters Point area. This is a greater opportunity to do a good job for that community.

Henry Graham, ILWU, indicated that he is not against open space, park or recreation but Pier 94/96 and Pier 80 are set aside for maritime use only. There is a proposal in front of the Commission for park at the site. People and ships do not mix. It is absurd to suggest a recreation facility on an active maritime pier. He urged the Commission to reject the proposal.

Charlie Walker indicated that there is an existing beautification project at Third Street and Cargo Way.

As chair of the SWAC, Karen Pierce deferred her comments to after Mr. Muraoka makes his presentation to the committee. She, however, indicated that she is in agreement with the Commission's comments.

8. NEW BUSINESS / PUBLIC COMMENT

With regard to the Piers 27-31, Jennifer Clary, San Francisco Tomorrow, asked the Commission to think seriously about how the Commission would like to handle this project in the future because the Commission keeps making the advisory committee members unhappy. When the Northeast Waterfront Advisory Committee was formed, she suggested having a wider representation but the Commission chose not to. She suggested not to have such a narrow focus and the Commission chose not to. She suggested that if the Commission is going to have an advisory committee, the Commission should take their advice. If the Commission thinks that there is something about the advisory committee that caused the error to occur, maybe the Commission should focus on it. This is the second time the Commission has done this in a year. The Pier 70 project is coming up and she asked the Commission to seriously take the public's and the Pier 70 advisory committee's input.

Dave Davis expressed his opinion about the sailing ship at Pier 42. He considers the ship as a well-deserved piece of nautical history. He asked the Commission to leave it where it is and consider it as a trophy to the waterfront.

Rick Mariano, Delancey Street Foundation, remarked that the Pier 40 item would be discussed under executive session. He asked that the Redevelopment Agency stop making overage on their operation. He also asked the Port Commission to help keep their rent down to the core amount of $70,000.

Anne Halsted, Northeast Waterfront Advisory Group, indicated that it has been a depressing time for her trying to figure out how to make the situation work with their committee. The committee did a tremendous effort on this project. They looked at the content of the project and tried to come up with the best process and the best program for the Commission. It has been very discouraging for the committee to figure out what to do next. She echoed Jennifer Clary's comments about figuring out a better way of communicating. People are very discouraged about how to meet the Commission's needs. It would be helpful to the committee if the Commission could articulate its rationale and what they expect of this development. She thought that the committee did a pretty job of articulating of what they thought is going to come out of the project. If the Commission could articulate what they expect that would give them some feedback. She also asked a draft copy of the exclusive negotiation rights. It would help to build confidence so the committee knows where the Commission is going. It's not clear that the uses that were specified are going to be allowed. So that the developer do not use too much public funding on this process and end up in the direction that is not acceptable, the Commission should get an early reading on the uses that are proposed by the developer. Mid-way in the process, the Commission should get a clear reading in writing on the uses intended so that the committee has something to work on. She reiterated her request of the Commission: (1) articulation of the Commission's rational; (2) draft of the rights to exclusive negotiation and (3) an intermediate feedback from the developer about what the uses are going to be so the Commission can get a feedback from other involved agencies. The Northeast

Waterfront Advisory Group has a meeting scheduled for tomorrow. They need to get a positive input from the Commission if they are going to move ahead in a constructive way. She asked for a written response from the Commission.

Commissioner McCarthy asked if staff has set up certain benchmarks for the developer in its negotiations.

Byron Rhett, Director of Planning & Development, indicated that staff is in the process of negotiating the exclusive right with the developer. The draft agreement includes a timeline. Staff intends to share that information with the Northeast Waterfront Advisory Group. Within the 90-day period, staff anticipates an agreement with the developer on what the actual development would be and staff will share that information with the Commission in a public presentation as well as with the advisory group. Based on the Commission's direction and the conditions under which the developer were selected, the ultimate plan would be a bit different from what was presented by the developer and what was part of staff's review. It would also be affected by staff's discussions with State Lands.

Sal Cisneros, Embarcadero YMCA, thanked the Commission for making a very difficult decision. He thanked the Commission, not only on behalf of the YMCA but the thousands of people who sent cards and letters in support of the project. He hoped that the Commission listened to their inner self in terms of what was the right thing to do for San Franciscans and thanked the Commission for allowing them to be a partner with the Port to move forward to make this the world facility that it can be. They will be listening to the Commission in terms of their thoughts, concerns and needs. They look forward to working with the Port.

Andrew Scott, Executive Director of the Mission YMCA, reiterated Mr. Cisneros comments. The Mission YMCA covers the whole southeast quadrant of San Francisco. Fifty percent of children and youths of San Francisco live in the southeast quadrant. Eighty-five percent of the children, youths and families they serve receive financial assistance. He thanked the Commission for responding to the issues around affordability which is the critical factor. He hoped that they could work with the Port to show the public that the Commission made the right decision.

Peter Chong, YMCA of Chinatown, echoed his colleagues comments. He commented on what the Commission's decision meant to affordable recreation for San Francisco neighborhoods. With the Commission's decision, it opened up a lot of avenues that people might not otherwise have. The difference of a waterfront YMCA can make to thousand of San Franciscans, young and old, is immeasurable. As for the members of the Chinatown YMCA, it opens up a whole new avenue. He thanked the Commission and its staff for their vision.

Nan Roth, Telegraph Hill Dwellers & NEWAG, indicated that a great number of people have expressed their concern regarding the Commission's vote and the perceived reasons behind the vote. She was certain that their action, in filing their protest, represents the feelings of a much wider population. She asked how the Commission could justify deviating to such a degree from the goals of this project. The recreation portion of the selected development takes on many of the same characteristics of the Malrite proposal. Both projects assigned such a small percentage of their use to the primary purpose of the

project as described in the RFP as to make it appear as simply a token gesture to leverage otherwise questionable uses, the phony San Francisco experience commercial venue in the Malrite proposal and the huge office and shopping complex in the Mills proposal. Recreational uses make up less than 20% of the Mills proposal. With all due respect to the YMCA, the other proposal had more than twice that amount of recreational facilities. It could not that possibly qualify as a recreational project as defined in the RFP. She was dismayed at the degree that the Commission has ignored its commitment under the RFP. She admitted that there is a great degree of latitude built into the RFP. Too much, in her opinion, and perhaps that is the product of trying to tailor the RFP to too specific of a client. She failed to comprehend how the RFP could be interpreted as permitting the Commission to make a decision that deviates in every way from the quantified findings of both staff and consultants. She was not promoting one proposal over the other. The Telegraph Hill Dwellers supported neither project and along with many others viewed both proposals are being significantly flawed. Rather than drag the community into another struggle over use issues that clearly conflict with the Waterfront Plan, the Public Trust and BCDC, the Commission had several options as contained in the RFP under the general terms and conditions. They had the option that the amended RFP is only an invitation to submit proposals and does not commit the Port in any way to enter into an agreement or to proceed with the recreation project. The Commission has the option to reject any and all proposals without indicating any reason for such rejection. The Commission has the option of reissuing an RFP with different conditions, given the responses received. The Commission has the option to modify or suspend any and all aspects of the selection process, modify the scope of the recreational project or the required responses, modify the components of the development concept, or modify the process indicated in the solicitation. The Commission has the option to negotiate with any, all or none of the respondents for the amended RFP. The Commission has the option to make a selection for the exclusive negotiations based solely on the proposal selection process or negotiate further with one or more of the respondents. It is irresponsible of the Commission to enter into an exclusive negotiation with the project so clearly defective when there other options available. The time to eliminate these discrepancies is before selecting a developer. She hoped that the Port Commission will take the opportunities presented by their protest and reconsider their decision.

Ernestine Weiss expressed her displeasure with the faulty decision made by the Commission. It has been nothing more than a political football and it's a disgrace in itself. To use kids as a pawn in this matter was disgrace because it was totally unfounded. The Giants would have paid scholarships for the kids to use the facility. She hoped that the Commission would take the advice of the former speakers. She warned the Commission that this is going to have a very rough sailing.

Dolph Rempp, Sailing Ship @ Pier 42, showed the Commission a list of signatures in support of the sailing ship. He was informed that the Port would be turning over this property to the Redevelopment Agency. He has since appeared before the Agency and hoped that he would be able to meet with them and explain the importance of the sailing ship to the waterfront. He gave the ship to the Port at the end of his lease. The idea of giving the ship to the Port was not to have the ship destroyed. He requested to have an opportunity to come before the Commission and explain the option that he believed would be hopefully greeted positively by all sides. The ship is the only thing left on the Embarcadero that represents the true traditions, the maritime life, the history and the

feeling of coming to San Francisco. He asked the Commission of moving the ship up about 12 feet, instead of destroying the ship, so that the ship can be preserved and embellished.

Charlie Walker, Bayview Hunters Point, indicated that he received a notice from Hansen's Aggregate informing him that the deal that British Pacific made with the Port does not extend to them. Local truckers were not getting 60% of the trucking business. He asked the Commission for an explanation.

Commissioner Brandon replied that it was her understanding that all of the provisions of the existing lease with British Pacific would roll over into the new lease. She indicated that a member of Maritime staff will contact him regarding this matter.

9. EXECUTIVE SESSION

ACTION: Commissioner Hardeman moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor.

At 5:55 the Commission withdrew to executive session to discuss the following:

B. CLOSED SESSION

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING AND ANTICIPATED LITIGATION MATTERS (DISCUSSION ITEMS):

a. Discuss existing litigation matters pursuant to subdivisions (a) and (d) of the California Government Code Section 54956.9 (2 cases).

- F. Alioto Co. v. CCSF; Superior Court Case No. 318360.
- CCSF v. Commonwealth Ins. Co. et al Santa Clara Superior Court No. CV 794046.

b. Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (4 potential cases).
X As Defendant __ As Plaintiff

- As Defendant: Two licensees and one lessee at Wharf J-3 have informed the Port that they have claims for damages and/or injunctive relief relating to the Port's alleged failure to repair or maintain the substructure of wharf J-3 or the fish processing building located at wharf J-3.

- As Defendant: The purchaser of a drydock at a public auction has hired counsel and informed the Port that he may have a claim for contract rescission relating to Port's alleged failure to disclose information concerning the drydock.

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. ***This session is closed to any non-City/Port representative. ****

a. Property: Piers 70
Person Negotiating: Port: Theresa Picon, Real Estate Director
*Waste Resources Technologies:. Jack Isolo

b. Property: Seawall Lot 352
Person Negotiating: Port: Port: Theresa Picon, Director of Real Estate
*Pacific Cement: Rick Ramirez

c. Property: Pier 92
Person Negotiating: Port: Theresa Picon, Director of Real Estate
*Bode Gravel Company/Mission Valley Rock: Dan Boardman

d. Property: Pier 40
Person Negotiating: Port: Mark Lozovoy, Assistant Deputy Director of Real Estate
*Redevelopment Agency: James Morales

e. Property: Rincon Park Restaurants at Folsom and Embarcadero
Person Negotiating: Port: Byron Rhett, Director of Planning and Development.
*Rincon Park Restaurants LLC.: Reed Hearon
THIS ITEM WAS NOT HEARD

f. Property: Pier 90
Person Negotiating: Port: Peter Dailey, Director of Maritime & Theresa Picon, Director of Real Estate
*ISG Resources, Inc: Clint Kurtz

g. Property: Castagnola Restaurant @ Jefferson Street
Person Negotiating: Port: Theresa Picon, Director, Real Estate
*Castagnola Restaurant: General Lolli

h. Property: Port property located at Mission & Embarcadero
Person Negotiating: Port: Theresa Picon, Director, Real Estate
*Muni: Kerstin Magary

10. RECONVENE IN OPEN SESSION

At 8:50 p.m., the Commission reconvened in open session.

ACTION: Commissioner Hardeman moved approval to not disclose any information discussed in executive session. Commissioner McWilliams seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 8:50 p.m.

SAN FRANCISCO
PORT COMMISSION

DOCUMENTS DEPT.

MAY 18 2001

SAN FRANCISCO
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REGULAR MEETING
4:00 P.M., TUESDAY, MAY 22, 2001
BAYSIDE CONFERENCE ROOM
PIER 1, S.F. 94111

AGENDA

1. **ROLL CALL**

2. **APPROVAL OF MINUTES** - May 8, 2001 Regular Meeting

3. **EXECUTIVE**

   A. Executive Director's Report

4. **OPERATIONS**

   A. Informational Presentation on the Priority Guidelines for the Port of San Francisco.

5. **CONSENT CALENDAR**

   A. Request to authorize staff to proceed with the process of vacating a portion of The Embarcadero located between Mission and Market Streets. (Resolution No. 01-34) (Staff report provided to the Commission.)

6. **MARITIME**

   A. Request for approval of amendments to the Port Tariff No. 4 Section 8 Fishing Industry pertaining to the operations of the new Hyde St. Harbor. Resolution No. 01-37) (Staff report provided to the Commission.)

   B. Request for authorization to use the Hyde Street Harbor Parking Rules and Regulations, the Hyde Street Harbor Parking Permit Application and to charge a fee of $25.00 per month for a parking permit. (Resolution No. 01-38)

   C. Informational Presentation of the Draft Maritime Cargo and Industrial Land Use Study. (Staff report provided to the Commission)

7. **PLANNING & DEVELOPMENT**

   A. Approval of Locations for Public Service Kiosks by JCDecaux San Francisco Inc. along The Embarcadero between Bay Street and Second Street. (Resolution No. 01-39) (Staff report provided to the Commission.)

8. ENGINEERING & MAINTENANCE

A. Request for authorization to execute Fourth Amendment to Professional Services Agreement No. SA3960018, "Design of Pier 52 Public Boat Ramp and Public Access," with Arcus Architecture and Planning for additional design and construction management services. (Resolution No. 01-36) (Staff report provided to the Commission.)

9. REAL ESTATE

A. (1) Request for Approval of Assignment of Lease No. L-7493, dated May 1, 1970, for premises located at 286 Jefferson Street (Castagnola's Restaurant) from Lolman Enterprises, Inc. and Andrew Lolli to Lolman Associates, a California General Partnership, (2) Request for Approval of Sublease from Lolman Associates to Lolman Enterprises, Inc., and (3) Request for Approval of Assignment of Lease, dated May 1, 1970, for premises located at 286 Jefferson Street (Castagnola's Restaurant) from Lolman Associates, a California General Partnership, to Castagnolas, LLC, a California limited liability company. (Resolution No. 01-35) (Staff report provided to the Commission.)

B. Adoption of Findings under the California Environmental Quality Act and Approval of three (3) Memoranda of Understanding between the Port and the Public Transportation Commission (MUNI) for right-of-way in the northern half of Third Street Light Rail Project Alignment that will authorize: (1) a transit power substation on Port property in the Mission Bay South development (Resolution No. 01-40); (2) ductbanks under Mission Creek near the Fourth Street Bridge (Resolution No. 01-41); and (3) ductbanks under Islais Creek near the Islais Creek Bridge (Resolution No. 01-42). (Staff report provided to the Commission.)

10. EXECUTIVE SESSION

A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.

B. CLOSED SESSION

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING AND ANTICIPATED LITIGATION MATTERS (DISCUSSION ITEMS):

a. Discuss existing litigation matter pursuant to subdivisions (a) and (d) of the California Government Code Section 54956.9 (1 case).

- F. Alioto Co. v. CCSF; Superior Court Case No. 318360.

b. Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (3 potential cases).
X As Defendant __ As Plaintiff

- As Defendant: Two licensees and one lessee at Wharf J-3 have informed the Port that they have claims for damages and/or injunctive relief relating to the Port's alleged failure to repair or maintain the substructure of wharf J-3 or the fish processing building located at wharf J-3.

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. ***This session is closed to any non-City/Port representative. ****

a. Property: 1201 Illinois Street, between Humboldt and 23rd Streets
Person Negotiating: Port: Byron Rhett, Director of Planning & Development and Mark Lozovoy, Asst. Deputy Director of Real Estate
*Potrero Power Plant (Mirant Americas Development, Inc.): Mark Harrer

Under Negotiation: ___ Price ___ Terms of Payment _X_ Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at 1201 Illinois Street, between Humboldt and 23rd Streets.

b. Property: Seawall Lot 352
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Pacific Cement: Rick Ramirez

Under Negotiation: ___ Price ___ Terms of Payment _X_ Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at SWL 352.

c. Property: Pier 38
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Pier 38 Maritime Rec. Center: Carl Enst

Under Negotiation: ___ Price ___ Terms of Payment _X_ Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 38.

d. Property: Pier 28
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*J. Kennedy, Inc.: Jim Kennedy

Under Negotiation: ___ Price ___ Terms of Payment _X_ Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 28.

e. Property: Pier 30
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Red's Java House: Steve Riley

Under Negotiation: ___ Price ___ Terms of Payment _X_ Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 30.

f. Property: Piers 70
Person Negotiating: Port: Theresa Picon, Real Estate Director
*Waste Resources Technologies:. Jack Isolo

Under Negotiation: ___ Price ___ Terms of Payment _X_ Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 70.

11. RECONVENE IN OPEN SESSION

A. Possible report on actions taken in closed session pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.14.

B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code 54957.1 and San Francisco Administrative Code 67.14.

12. NEW BUSINESS / PUBLIC COMMENT

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. It is strongly recommended that public comments be submitted in writing so they can be distributed to all Commissioners for review. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 274-0406.

13. ADJOURNMENT

Staff Reports: Explanatory Documents available to the public are posted on the Port's Website at www.sfport.com.

MAY/JUNE 2001
CALENDAR OF UPCOMING PORT MEETINGS - OPEN TO THE PUBLIC

Date	Time	Group	Location
May 22	4:00 p.m.	Port Commission	Bayside Conference Room @ Pier 1
June 12	4:00 p.m.	Port Commission	Bayside Conference Room @ Pier 1
June 26	4:00 p.m.	Port Commission	Bayside Conference Room @ Pier 1

NOTES:
The San Francisco Port Commission meets regularly on the 2nd and 4th Tuesday of the month at 4:00 p.m., unless otherwise noticed, in the Bayside Conference Room @ Pier 1. Contact Amy Quesada at 274-0406 to be placed on the mailing list for Commission meeting agenda. ***The Commission Agenda and the staff reports are also posted on the Port's Website @ www.sfport.com.***

The Ferry Building Waterfront Advisory Group does not have any scheduled meetings. Contact Person: Alec Bash @ 274-0539.

The Fisherman's Wharf Waterfront Advisory Group meets regularly on the 3rd Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Person: Kirk Bennett @ 274-0545.

The Mission Bay CAC meets regularly on the 2nd Thursday of the month, from 5:00 to 7:00 p.m. at the Mission Bay Visitor Center (255 Channel Street). Please contact Tiffany Bohee at 749-2481 for more information.

The Northeast Waterfront Advisory Group meets regularly on the 1st Wednesday of the month at 4:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Person: Kirk Bennett @ 274-0545.

The Pier 70 Advisory Group meets monthly on an as-needed basis generally on the 2nd Wednesday of the month from 4 to 6 p.m. at the Potrero Campus of the California College of Arts and Crafts, Board Room, 1111 – 8th Street between Irvin and Hooper. Contact Person: Mark Paez @ 705-8674.

The Rincon Point-South Beach CAC meets regularly on the 3rd Monday of the month, from 5:00-7:00 p.m. at the South Beach Yacht Club (Pier 40 on The Embarcadero). Please contact Tiffany Bohee at 749-2481 or 749-2400 for more information.

The Southern Waterfront Advisory Committee (SWAC) meets every 4th Monday of the month. Location to be determined. Contact Person: Braj Norris @ 274-0540.

The Waterfront Design Advisory Committee meets the 3rd Tuesday of the month from 11 a.m. to 1 p.m. in the Bayside Conference Room @ Pier 1. Contact Person: Dan Hodapp @ 274-0625.

Port Website: Check out the Port's Website at **www.sfport.com.**

ACCESSIBLE MEETING INFORMATION

Getting to Pier 1:
Pier 1 on the Embarcadero, at the foot of Washington St. The Embarcadero Station is the closest BART and MUNI Metro stop, located below Market St. at Drumm & Spear Streets. The nearest F-Line streetcar stop is on the Embarcadero at Washington St. MUNI bus lines serving the Pier 1 area are the 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142.

The nearest accessible parking is provided in the following off-street pay lots:
A) 1 space in the surface lot on the west side of the Embarcadero at Washington St.
B) 3 spaces in the Pier 1/2 lot, located on the east side of the Embarcadero between the Ferry Building and Pier 1. During business hours this lot is operated by valets
C) Hourly and valet parking in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa.

Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking.

Metered street parking is available on the Embarcadero, Washington St. and Drumm St.

Pier 1:
The Port's fully accessible offices are in the west end of Pier 1. There are two public entrances; the main entrance on the west (Embarcadero), and the Port History walk entrance on the south apron. Each of these entrances is provided with an automatically operated door. Both entrances lead to the Commission Bayside meeting room. Accessible public restrooms, drinking fountains, payphone and TTY are on the first floor near the main entrance. The public spaces of the Port's offices are equipped with remote infrared signage (Talking Signs) identifying all primary entrances, paths of travel, meeting rooms and amenities. Accessible seating areas and assistive listening devices will be available in the Commission meeting room.

Accessible meeting information policy:
In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

A sign language interpreter and alternative format copies of meeting agendas and other materials can be provided upon request made at least 72 hours in advance of any scheduled meeting. Contact Kevin Jensen, ADA Coordinator, at 274-0555. The Port's TTY number is (415) 274-0587.

Know Your Rights Under the Sunshine Ordinance. Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, please contact Donna Hall, Administrator at 554-7724; fax 554-5163; e-mail address Donna_Hall@ci.sf.ca.us; City Hall, Room 244, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Ordinance Task Force, the San Francisco Public Library and on the City's Website at www.ci.sf.ca.us/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance. Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Admin. Code 16.520 – 16.534) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, #701, San Francisco, CA 94102, phone (415) 554-9510 or fax (415) 703-0121 and web site http://www.ci.sf.ca.us/ethics/.

PORT OF SAN FRANCISCO

MEMORANDUM

May 16, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Informational Presentation on the Priority Guidelines for the Port of San Francisco.

The following guidelines were developed by the Port Senior Management Staff (March 2001) as a tool to assist Port staff when faced with the need to prioritize work. We believe that the priorities listed reflect our role in carrying out our Mission, and that all of the activities listed describe the work we all do on a regular basis.

Karen Clopton, the Port's Chief of Operations, presented the priority guidelines to Port staff during a Port-wide meeting in April. She encouraged staff to use the guidelines as a tool when they are unable to resolve conflicting priorities. They were also encouraged to discuss the priority guidelines with their supervisor who can assist with prioritization.

PRIORITY GUIDELINES

1. Safety and Health
   a) Dangerous Conditions
   b) Environmental – air and water quality
   c) Code compliance

2. Public Interest Mandate
   a) Trust for the people of the State of California
   b) San Francisco residents
   c) Maritime uses (including transit, i.e. ferry)

This Print Covers Calendar Item No. **4A**

3. Waterfront Management
   a) Waterfront Land Use Plan
   b) 5-year business plan
   c) Public access and recreation

4. Private Interest
   a) Maritime (cargo)
   b) Trust uses that attract people to enjoy the waterfront (e.g. restaurants, tenants serving public)
   c) Interim or ancillary commercial uses (e.g. non-maritime office)

5. Revenues
   a) Sustainability – short and long term
   b) Maximize revenue stream with acceptable risk
   c) Economic impact – employment opportunities, creation of jobs, and economic development

I welcome your comments and/or suggestions regarding the Port's Priority Guidelines.

Prepared by: Karen V. Clopton
Chief of Operations

PORT OF SAN FRANCISCO

MEMORANDUM

May 15, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas Wong
Executive Director

SUBJECT: Authorize staff to proceed with the process of vacating a portion of The Embarcadero located between Mission and Market Streets

DIRECTOR'S RECOMMENDATION: AUTHORIZE STREET VACATION PROCEDURES

I. BACKGROUND

On May 27, 1998, the Port, as well as other city departments, entered into a Memorandum of Understanding with the Municipal Transportation Agency (MTA) relating to the construction of the Mid-Embarcadero Roadway Project. Under this MOU, among other things, the MTA paid the Port $8,524,000 for the surface easement rights to a variety of parcels under the Port's jurisdiction, including a parcel consisting of approximately 6,290 rentable square feet of undeveloped exterior spaced running generally along the Embarcadero in the vicinity of Mission Street, described in more detail in the attached Attachment A (the "Port Premises").

On September 1, 2000, the Port and the MTA entered into a Memorandum of Understanding and Grant of Encroachment License (the "Port Premises MOU"), pursuant to which the Port authorized and granted the MTA certain rights in and to the Port Premises for a term of sixty-six years. Ultimate jurisdiction over the Port Premises remains vested in the Port. The Port Premises MOU grants the MTA the right to use, operate, and lease all or a portion of the Port Premises, including the right to sublease the Port Premises to a hotelier for use as a landscaped and hardscaped open space, for outdoor seating for a restaurant/café, and for construction staging of the proposed Mission-Steuart Hotel building during initial construction of the hotel or during any repair or rebuilding of the hotel.

THIS PRINT COVERS CALENDAR ITEM NO. **5A**

The Port Premises are currently part of The Embarcadero right-of-way, though no longer used as part of the street, and require official vacation before any leasehold interests can be transferred.

A request has been made that the Department of Public Works initiate the process for vacating the portions of The Embarcadero which encompasses the Port Premises.

i. ACTION

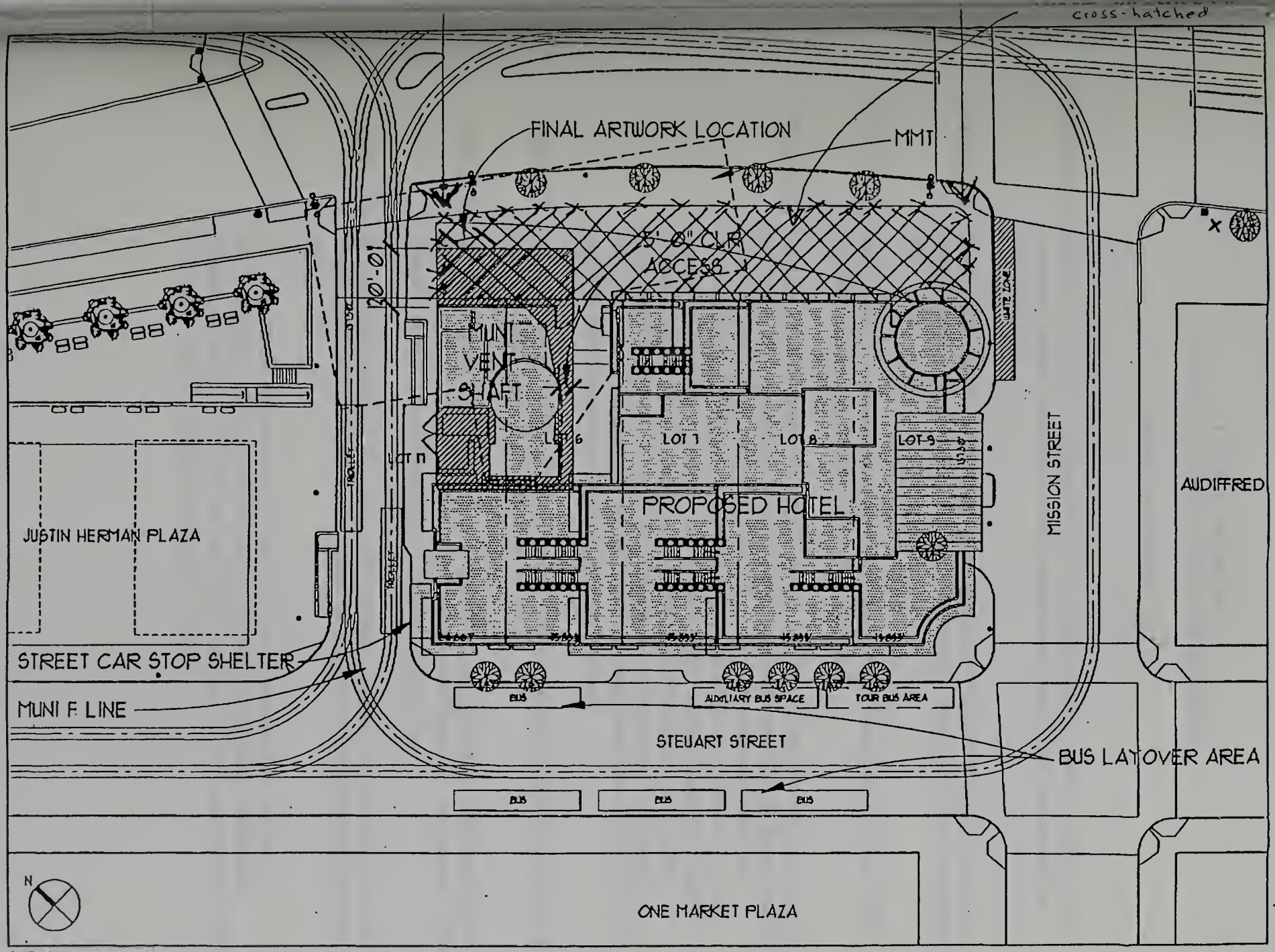
The Port, in conjunction with the MTA, is seeking to vacate that portion of the street right-of-way running generally along the Embarcadero in the vicinity of Mission Street that lies within the Port Premises, as shown in Attachment A. The process for vacating this street is set forth in the City's Public Works Code. This process has been initiated and MTA staff is working with the Director of Public Works to notify utilities of the proposed vacation and address vehicle access issues, and working with the Department of City Planning to review the consistency of the street vacations with the City's General Plan. Once these steps have been completed, and subject to the Port Commission's approval of the street vacation, the Board of Supervisors will be asked to approve this action.

II. STAFF RECOMMENDATION

Staff recommends that the Port Commission authorize Port staff to complete the required procedures for the vacation of the Port Premises as they consist of a portion of The Embarcadero, as described. Final action will not occur until the Board of Supervisors approves the action.

Prepared by: Terry Picon
Director of Real Estate

ATTACHMENT A



JUNE 1, 2000
SCALE: 1"=50'-0"

MISSION-STEUART HOTEL

SITE PLAN

MISSION & STEUART HOTEL PARTNERS, LLC

SAN FRANCISCO, CA

HELLER·MANUS ARCHITECTS

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-34

WHEREAS, Charter, Section B3.581grants the Port Commission the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and

WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and

WHEREAS, the Planning Commission certified the Final Environmental Impact Report (EIR) for the Mission-Steuart Hotel on June 1, 2000; and

WHEREAS, on June 13, 2000 the Port Commission adopted Resolution No. 00-52, in which it adopted CEQA findings with regards to the Mission-Steuart Hotel Project and the final EIR and also authorized the Port's Executive Director to execute the Memorandum of Understanding approving the lease of approximately 6,290 rentable square feet of undeveloped exterior space running generally along the Embarcadero in the vicinity of Mission Street (the "Port Premises") to the Municipal Transportation Agency, as shown more particularly on Exhibit A attached to the Memorandum to Port Commissioners, dated May 15, 2001, on file with the Port Commission Secretary for this item; and

WHEREAS, a portion of the Port Premises lies within The Embarcadero right-of-way that is no longer used for street purposes; and

WHEREAS, in order to lease the Port Premises to the MTA, a street legislation action must be taken to vacate that portion of the Port Premises that lies within the portion of The Embarcadero that is no longer used for street purposes; and

WHEREAS, it is necessary to notify the public of the possible vacation of the noted portion of The Embarcadero prior to consideration and action by the Board of Supervisors; and

WHEREAS, the San Francisco Municipal Railway, with the cooperation of the Port, is responsible for initiating the process for vacation of Port streets so that the Department of Public Works can take various actions prior to consideration of the vacation of any City streets and has done so; and

WHEREAS, the Port Commission's approval of this item will allow the Department of Public Works to proceed through the legislative process to vacate these streets; now, therefore, be it

RESOLVED, that the Port Commission authorizes the Executive Director, or his designee, to complete the procedures and take the actions necessary for vacation of a portion of The Embarcadero as described herein.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 22, 2001.

_____

Secretary

PORT OF SAN FRANCISCO

MEMORANDUM

May 15,2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian Mc Williams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Request for approval of amendments to The Port Tariff No. 4 Section 8 Fishing Industry pertaining to the operations of the new Hyde St. Harbor.

DIRECTOR's RECOMMENDATION: AUTHORIZE PORT STAFF TO AMEND THE PORT'S TARIFF NO.4 SECTION 8 ITEMS 800, 810, 831,848,849,870,875,880 AND 884. TO INCLUDE REFERANCE TO, RATES FOR, AND OPERATIONAL RULES FOR THE NEW HYDE ST. HARBOR LOCATED AT FISHERMAN'S WHARF AT THE FOOT OF HYDE ST.

On June 1,2001 The Port of San Francisco will open the new Hyde St. Harbor for use by commercial fishing vessels. The 62 berths ranging from 40 ft. to 80 ft. will be made available to commercial fishing vessels for either preferential assignment or for transient assignment. The priority use of the Harbor is for commercial fishing and fishing party boats. No sales, solicitation or non fishing party trips are allowed at the Hyde St. Harbor. The rates for the berths were negotiated between the Port and Mr. Bob Miller, President of the Crab Boat Owners Association and have been accepted as fair and reasonable by the commercial fishing community at Fisherman's Wharf, San Francisco. Those rates are $4.00 per ft based on the length of the berth or vessel which ever is greater for preferential assignment. For transient assignment the rates are $10 per day for a vessel up to 49-ft. LOA (length over all) and $15.00 per day for a vessel 50 ft. LOA. Pleasure vessels will only be accommodated to the extent that berths are not occupied by commercial fishing or fishing party vessels and no commercial fishing or fishing party vessels are on the waiting list.

This Print Covers Calendar Item No. **6A**

PORT OF SAN FRANCISCO
TEL 415 274 0400 TTY 415 274 0587 ADDRESS Pier 1

These items, as referenced above, have been reviewed and endorsed by Mr. Bob Miller, President of the Crab Boat Owners Association, The Fisherman's Wharf Waterfront Advisory Group, and individuals of the commercial fishing community at Fisherman's Wharf San Francisco. They represent the basic regulations and rates that are required to address the addition of the Hyde St. Harbor to the operations of the commercial fishing industry at Fisherman's Wharf. They have been crafted to support the commercial fishing fleet and ensure that the heritage of commercial fishing in San Francisco continues for generations to come. Port Staff respectfully requests your authorization to amend the Port of San Francisco Port Tariff No. 4. To reflect the changes as contained in the items attached.

Prepared by: John Davey, Maritime Operations Manager.

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-37

WHEREAS, on June 1 2001, the new Hyde St. Harbor will be open to commercial fishing vessels; and

WHEREAS, the addition of the Hyde St. Harbor creates additional structures, facilities and opportunities to the existing Fisherman's Wharf Harbor; and

WHEREAS, these additions require designation, applicable rates and rules to be added to the Port of San Francisco Tariff No. 4 to govern the daily operations; and

WHEREAS, Port Staff have successfully negotiated with members of the Fisherman's Wharf community amendments to the Tariff to address the addition of the Hyde St. Harbor to the operations of the Fisherman's Wharf commercial fishing industry, now therefore be it

RESOLVED, that the San Francisco Port Commission authorizes Port staff to amend the Port of San Francisco Tariff No. 4 Items 800,810,831,848,849,870,880 and 884 to read as follows:

ITEM NO. 800 DEFINITIONS OF TERMS USED IN THIS SECTION

~~{CHIEF WHARFINGER shall mean the Harbormaster and his or her designee}~~ **[MARITIME OPERATIONS MANAGER/WHARFINGER shall mean the Maritime Operations Manager for the Port of San Francisco or his or her designated Wharfinger]** for the area at Fisherman's Wharf ~~{south of the breakwater between Pier 45 and the Hyde Street Pier ("Fisherman's Wharf Harbor") and shall mean Chief Wharfinger and his or her designee for all other areas within Port jurisdiction}~~ **[and Hyde Street Harbor]**. The terms "Fisherman's Wharf" and "Fisherman's Lagoons" herein shall have the same meaning as Fisherman's Wharf Harbor.

COMMERCIAL FISHING VESSEL**[:]** for the purpose of this Section 8 shall mean a vessel that is so registered with the ~~{San Francisco}~~ Tax Assessor, that is self-propelled, that was designed for and is primarily used for catching fish or which has been converted into a vessel which is primarily used for catching fish, that subsequently sells or delivers said fish to a processing plant or receiving station and that during the 12-month period preceding the making of an application for a permit provided for in this Section, complied with one of the following:
(1) Said vessel was used to catch at least 10 tons of fish; or
(2) Said vessel was used to catch fish with a commercial value of at least $10,000.00; or

(3) Said vessel earned ten ~~{California}~~ Department of Fish & Game fish receipts showing landing of catch ~~{at Port of San Francisco facilities}~~.

The Executive Director may issue a Temporary Commercial Fishing Vessel Berth Assignment to a licensed fishing vessel qualifying it and its owner and/or operator for all privileges accorded a Commercial Fishing Vessel, although the vessel does not meet the requirements of this Item. If in the judgment of the Executive Director, unusual occurrences such as the medical incapacity of the operator, major physical or extensive mechanical, but repairable, damage to the vessel, unavailability of fish, or acquisition of a new Commercial Fishing Vessel, or any other condition beyond the control of the owner and/or operator which is considered to be an overriding consideration which prevents fulfillment of the requirements of this item. This temporary assignment may be issued on a quarterly basis, not to exceed 12 months in any three**[-]**year period.

FISH~~{,}~~**[:]** when used in this Section, shall mean fish viz. fresh and/or shellfish **[and/or roe]**.

FISHING PARTY BOAT**[:]** is one that is licensed by the United States Coast Guard to carry passengers for hire ~~{for sport fishing}~~.

HISTORICAL COMMERCIAL FISHING VESSEL~~{,}~~**[:]** for the purposes of this Section, is a boat that was built prior to 1940, is of original construction, was built for the purposes of commercial fishing and is pertinent to the history of Fisherman's Wharf. ~~{Preferential Assignment}~~ **[Commercial fishing]** rates shall apply.

PLEASURE BOAT**[:]** is one used by the owner(s) and/or others for recreation fishing or pleasure riding. Pleasure Boat rates shall apply.

TON**[:]** as used in this Section refers to 2,000 pounds weight.

ITEM NO. 810 **GEOGRAPHIC SCOPE**

Except as otherwise provided in this Section, the rates and regulations described in this Section apply at Fisherman's ~~{Lagoon, Piers 33, 45, 47, 49 and any other wharf or locality under the jurisdiction of the San Francisco Port Commission which may be used by a fishing vessel.}~~ **[Wharf Harbor, Piers 45, 47, 49 and Hyde Street Harbor.]**

ITEM NO. 831 BERTH ASSIGNMENTS [AND AGREEMENTS.]

Berth Assignments are classified and defined as follows and are ~~{approved and assigned by the Chief Wharfinger:}~~ **[assigned by the Maritime Operations Manager/ Wharfinger and approved by their signature on the applicable Berth Agreement form:]**

(a) Preferential Assignment is the priority right granted a person to use a certain stall space at Fisherman's ~~{Lagoon}~~ **[Wharf Harbor or berth space at Hyde Street Harbor]**, including such improvements and areas as are designated in the ~~{assignment}~~ **[Berth Agreement]**. Commercial Fishing Vessels, Historical Commercial Fishing Vessels**[,]** and Fishing Party Boats shall be given priority over **[other commercial vessels and]** Pleasure Boats for these stalls **[or berths]**. In granting a preferential berth assignment to a Fishing Party Boat, the ~~{Chief Wharfinger}~~ **[Port]** shall recognize the need of the ~~{Fishing}~~ **[fishing]** Party Boat to have a stall that is ~~{accessible}~~ **[available]** to the public. All berth holders with a Preferential Assignment shall execute a Berthing Agreement in the current form approved by the Port.

~~{(b) Non-preferential}~~ **[(B) Transient]** Assignment is the permission granted a person, who ~~{regularly berths his boat at Fisherman's Wharf or any facility under the jurisdiction of the San Francisco Port Commission, to dock at a certain berth or facility, including the use of such improvements and areas as are designated in the assignment.~~

~~(c) Transit Assignment is the permission granted a person, who,}~~ on occasion, brings his boat into the harbor for seasonal fishing, repairs, or for any other reason, to dock or moor at a certain berth or facility under the jurisdiction of the San Francisco Port Commission and to use such improvements and areas as are designated in the ~~{assignment.}~~ **[agreement. Vessels assigned transient space may not exceed 10 days per month and must vacate for a minimum of 30 days prior to assignment of additional transient berthing. Transient berthing is assigned first come first serve according to space available. With approval of the Maritime Operations Manager/Wharfinger, Commercial Fishing Vessels may be assigned transient space for an entire fishing season for which said vessel holds a valid permit to participate; provided the vessel owner or operator agrees to vacate said space no later than 10 days after the close of the season in which they have been fishing. Vessels exceeding the 10 days allowed past the agreed upon fishing season will be considered unauthorized and will be subject to penalty charges as set forth in item 834 b and c. All berth holders with a Transient Berth Assignment shall execute a Transient Berth Agreement in the current form approved by the Port.]**

All berth assignments shall be held by the ~~{assignees}~~ **[berth holders]** subject to the provisions of this ~~{schedule}~~ **[tariff]**, to the charges, rates, rules and regulations applicable thereto, and to all of the terms, conditions and provisions contained in any such ~~{assignments}~~ **[berth agreements]**.

During the month of July of each year or at any other time upon the request of the ~~{Chief Wharfinger}~~ **[Maritime Operations Manager/Wharfinger]**, every boat owner must provide to the ~~{Chief Wharfinger}~~ **[Maritime Operations Manager/Wharfinger]** written documentation of current ownership of the boat. Said documentation will

be either U.S. Coast Guard documentation or ~~{State of California registration.}~~ **[a department of motor vehicles registration issued by a State of the United States.]**

ITEM NO. 848 **MAINTENANCE OF VESSELS**

A. Repairs within confines of vessels. Repairs to and maintenance of a vessel may be made or accomplished while such vessel is at its berth, provided that all such work is done within the confines of the vessel itself and is not carried on in any manner whatsoever upon floats, gangways or docks. All materials used in such repair or maintenance work must also be kept within the confines of the vessel and may not be kept upon floats, gangways or docks. Spray painting is not permitted. Repairs and maintenance shall be limited to that ordinarily required to keep a vessel seaworthy and in good condition. No major construction work which would tend to make a vessel unseaworthy or unsightly shall be undertaken within the jurisdiction of the Port of San Francisco without prior written permission of the ~~{Chief}~~ **[Maritime Operations Manager/]** Wharfinger. The criteria for granting permission shall be based primarily on the ability of all materials used by or produced from the repair project to be completely contained in or on the vessel, and that a nuisance to neighboring vessels or the environment would not occur.

B. Repairs outside confines of vessel. Repairs to and maintenance of a vessel to be accomplished outside of the confines of the vessel itself shall require the prior written permission of the ~~{Chief}~~ **[Maritime Operations Manager/]** Wharfinger. The criteria for granting permission shall be based primarily on the availability of suitable area for the work and that a nuisance to neighboring vessels or the environment would not occur.

[C. At Hyde St. Harbor, commercial fishing vessels can make use of the end tie area adjacent to berth 224 for the purpose of working on vessel rigging during daylight hours only. Vessels may not remain at this location overnight.]

~~{ITEM NO. 849 SOLICITATION, ADVERTISING, AND SIGNS}~~ ~~{SOLITATION, ADVERTISING AND SIGNS}~~**[ITEM NO. 849 ADVERTISING, SIGNS, SOLICITATION, SALES AND PERFORMING LABOR AND SERVICES**

Advertising, signs, solicitation, sales and the performance of labor and services] at the Fisherman's Wharf Harbor ~~{relating to Fishing Party Boats or Historical Commercial Fishing Vessels}~~ **[or the Hyde St. Harbor]** shall be subject to the following ~~{rules:}~~**[:]**

A) ~~{(1) No}~~ **[ADVERTISING AND SIGNS.**

1) **For the purpose of selling a vessel in its entirety, one " FOR SALE" sign not to exceed one square foot in area will be allowed to be placed within the confines of the actual vessel to be sold.**

2) **At Fisherman's Wharf Harbor no]** advertising or signs shall be located off of a vessel ~~{berthed at the Fisherman's Wharf Harbor}~~ unless the advertising or sign: ~~{}~~(a) Has been approved by a building permit issued by the Port~~{; and}~~**[: and (b) In the case of Fishing party boats, is limited to sport fishing trips.]**

3) ~~{(b) For Fishing Party Boats, is limited to sportfishing trips.}~~ **[At Hyde St. Harbor, no advertising or signs shall be located off of a vessel.]**

4) Except for said signs, the berth holder shall not **[or cause to]** be ~~{place}~~ **[placed]** or store any personal property or trade fixtures on or about the berth, **[wharves or docks of Fisherman's Wharf Harbor or Hyde St. Harbor]** including, but not limited to signs, chairs and fishing gear.

5) ~~{(2)}~~ No advertising ~~{and}~~ **[or]** signs shall be located on a vessel berthed at Fisherman's Wharf Harbor **[or Hyde St. Harbor]** unless the advertising or sign:

   (a) ~~{(a)}~~ Has been approved in advance by the Port~~{; and (b) Is professionally designed and fabricated.}~~**[.]**

   (b) ~~{In addition, any such advertising or signs located on a Fishing Party Boat berthed at Fisherman's Wharf Harbor, which refers to Non-Sportfishing Trips:}~~ **[Consist of on-site advertising content.]**

   (c) ~~{(a) Must be temporary, only being displayed at such times as the boat is actually available to then take such a trip.(b) Shall be proportionated to the size of the boat,}~~ **[Shall be proportioned to the size of the vessel where it is displayed]** but shall not in any ~~{event}~~ **[case]** exceed 27 **[square feet.]** ~~{sq.ft.; and(c)}~~

   (d) Shall be situated so that the vessel ~~{is }~~**[where it is displayed is in]** the background ~~{for}~~ **[of]** the advertising or sign ~~{(i.e., it does not block views of other boats or the Fisherman's Wharf Harbor).}~~ **[so as not to obstruct the line of sight of other vessels or of the adjacent area.]**

6) ~~{In the event that the Port denies approval of a proposed sign or advertising on a vessel berthed at the Harbor, the berth holder shall have the right to appeal said decision to the Executive Director of the Port.}~~ **[At Fisherman's Wharf Harbor, advertising or signs which refer to non-sport fishing trips located on a vessel can only be displayed at such times as the vessel is actually available to then take such a trip and must conform to the standards as named above.]**

7) ~~{(3) Vessel}~~ **[At Hyde St. Harbor, no advertising or signs, which refer to non-sport fishing trips, are allowed.**

B) SOLICITATION

1) **At Fisherman's Wharf Harbor vessel]** operators shall only solicit customers from the waterside of the fence adjacent to ~~{the vessel berths. Voice solicitation shall not be audible from beyond the sidewalk adjacent to the vessel's berth.}~~ **[their vessel's berth.]**

2) ~~{Except as indicated in this item, all other solicitations, advertising, and signs in}~~ **[At Hyde St Harbor no solicitation is allowed.**

C) **SALES,PERFORMING LABOR AND SERVICES**

1) **No sales shall be permitted from vessels, wharves or docks of]** Fisherman's Wharf Harbor ~~{are prohibited without a permit from the Port.}~~ **[with the following exception:**
   (a) Upon obtaining a Port permit in advance retail fish sales are allowed within the Fisherman's Wharf Harbor.

2) **No sales shall be permitted from vessels, wharves or docks of the Hyde St. Harbor.**

3) **No person shall perform any work on, or provide any service to any berth holder or vessel for which a person receives a fee, compensation or any other thing of value, unless such person has first notified the Port either in person at the Harbor Office or by phone, with the following exception:**
   (a) This provision does not apply to persons employed for the purposes of commercial fishing.

In the event that the Port denies approval of a proposed advertisement, sign, solicitation or sale activity, the berth holder, permit holder and or individual shall have the right to appeal said decision to the Executive Director of the Port. However the decision of the Port shall remain in effect until such time as the Executive Director determines the outcome of said appeal./

ITEM NO. 870 LOCKERS

Licensee, in accepting a License to use Locker Space, agrees to make payment for quarterly periods in advance at five (5) dollars per month, subject to increase by the Port Commission (hereafter "Port") as the Port deems necessary. Any such increase will be preceded by 30 days' written notice to licensee from the Port. Periods commence January 1, April 1, July 1 and October 1 of each year. The first payment by licensee shall be in an amount equal to the first complete quarterly payment plus an amount apportioned to cover the period of commencement of the license to the commencement date of the next quarter. No refund shall be made if the license is cancelled by licensee during a quarter.

If Port terminates a license, by reason of default in payment of license fees or otherwise, and if licensee fails to remove personal property from the locker by the effective date of said termination, Port may remove said property and store same at licensee's sole expense in either public or private storage, or may sell said property at public auction and apply the proceeds to the cost of

sale and to any fees due and unpaid by licensee. The balance of any funds remaining after such sale will be paid to licensee on demand, provided that such demand is made within two (2) years of the date of sale. Notice of sale will be deemed to have been made to licensee by letter, mailed postage prepaid, to licensee at its business address, or, if no business address is indicated, at the home address of licensee. Licensee shall promptly notify the Port of any change of address.

Licensee is granted a license to use locker space only for the duration of licensee's boat stall tenancy at Fisherman's Wharf **[or berth at Hyde Street Harbor]**. Upon termination of licensee's boat stall **[or berth]** tenancy, the license shall automatically terminate.

Licensee shall not assign or otherwise transfer a License to Use Locker Space; and, upon any such attempt to assign or otherwise transfer a license, said license shall automatically terminate.

Licensee shall maintain the interior of the locker in good condition, free of odoriferous and noxious materials, and shall keep the premises adjacent to licensee's locker clean and free of litter and debris. Licensee shall be liable for any damages to the locker and adjacent Port property**[,]** which may occur in connection with the use of licensee's locker. ~~{~~
~~}~~Licensee shall not use the above-mentioned locker to store any flammable liquid, explosive, or any other readily combustible material. Licensee grants to Port the right to inspect lockers for fire hazard, safety, **[and]** structural and engineering purposes. ~~{~~

~~}~~The license is made upon the express condition that Port is to be free from any and all liabilities and claims for damages and suits for, or by reason of, any injury or injuries to any person or persons or property of any kind whatsoever from any cause or causes whatsoever while in, upon or adjacent to or in any way connected with the use of a locker, including the negligence of the Port, its officers, agents or employees. Licensee waives all claims against the Port, and agrees to indemnify Port for and to hold Port harmless from any and all claims for damages to any goods, wares, merchandise, equipment and persons in, upon or around said locker from any cause arising at any time, including all claims arising out of the negligence of Port, its officers, agents or employees.

[At Hyde St Harbor, dock boxes located adjacent to each berth are included in the cost of the berth rate and are not subject to the fees above, all remaining provisions of this section apply.]

ITEM NO. 875 **PREFERENTIAL ASSIGNMENT RATES**

Dockage for Preferential Assignments shall be billed on a quarterly basis based on berth number as shown below. No allowances or refunds are allowed while boat is away from berth. Boat shall not exceed maximum length of berth without the consent of the ~~{Chief}~~ **[Maritime Operations Manager/]** Wharfinger, based upon his or her reasonable

determination that such berthing will not unduly interfere with navigation, ~~{publich health and safety.}~~ **[public health and safety. If a vessel is allowed to exceed maximum berth length, additional charges will be calculated by dividing the monthly rate by the listed maximum length in feet to determine a per foot charge to be added to each additional foot of overhang allowed. Spaces will be charged for the length of the space or the length of the vessel, which ever is greater.**

COMMERCIAL FISHING RATES FOR FISHERMAN'S WHARF HARBOR:]

BERTH ~~{*}~~NUMBER	MAXIMUM LENGTH IN FEET	RATE PER MONTH IN DOLLARS
1-6	50	$100.00
7	45	90.00
8	40	80.00
9-14	25	50.00
15-20	28	28.00
21-22	30	30.00
23-47	35	35.00
48-50	50	50.00
51-55	50	100.00
56-58	45	90.00
59	22	22.00
60-62	26	26.00
63-64	28	28.00
65-67	32	32.00
68-69	34	34.00
70-71	38	38.00
72-74	32	32.00
75-86	50	50.00
87-88	38	38.00
89-90	34	34.00
91-93	32	32.00
94-95	28	28.00
96-98	**[28**	**28.00**
99-102]	26	26.00
~~{99}~~ **[103]**	22	22.00

[*] Footnote to Item No. 875. A 10% environmental surcharge based on the rate per month in dollars shall be added to the above rates.

~~{ITEM NO. 880 TRANSIT ASSIGNMENT RATES}~~
[COMMERCIAL FISHING RATES FOR HYDE ST. HARBOR:]

Berth Number	**Maximum length in feet**	**Rate per Month in dollars**
201-203	**40**	**160.00**
204-221	**45**	**180.00**
222-224	**50**	**200.00**
225-246	**40**	**160.00**
247-255	**50**	**200.00**
256-259	**80**	**320.00**
260-262	**50**	**200.00**

ITEM NO. 880 TRANSIENT DOCKAGE:
Commercial fishing boats, Fishing Party Boats or Historical Commercial Fishing Vessels] shall be charged per twenty**[-]**four (24) hours.

[FOR FISHERMAN'S WHARF HARBOR:]
Rate Per Day in Dollars.$5.00

FOR HYDE STREET HARBOR:

Rate Per Day in Dollars:
up to 49-ft. vessel LOA $10.00
over 50ft vessel LOA $15.00]

ITEM NO. 884 **PLEASURE BOAT RATES**[:]

Pleasure boats will only be accommodated to the extent that berths are not occupied by Commercial Fishing Vessels, Fishing Party Boats or Historical Commercial Fishing Vessels and, in addition, that there are no Commercial Fishing Vessels, Fishing Party boats or Historical Commercial Fishing Vessels on the waiting list. Dockage on Pleasure Boats is to be paid one month in advance based on berth number as shown below. **[Pleasure Boat Rates not listed are calculated at 3 times the commercial fishing boat rate.]** No allowance or refunds will be given for the time the boat is away from the berth. Pleasure Boats shall not exceed maximum length of berth.

[PLEASURE BOAT RATES FOR FISHERMAN'S WHARF HARBOR:]

BERTH NUMBER	MAXIMUM LENGTH IN FEET	RATE PER MONTH* IN DOLLARS
1-6	50	$175.00
7	45	157.50
8	40	140.00
9-14	25	87.50
15-20	28	98.00
21-22	30	105.00
23-47	35	122.50

48-50	50	175.00
51-55	50	175.00
56-58	45	157.50
59	22	77.00
60-62	26	91.00
63-64	28	98.00
65-67	32	112.00
68-69	34	119.00
70-71	38	133.00
72-74	32	112.00
75-86	50	175.00
87-88	38	133.00
89-90	34	119.00
91-93	32	112.00
94-~~{95}~~ **[98]**	28	98.00
~~{96-98}~~**[99-102]**	26	91.00
~~{99}~~ **[103]**	22	77.00

* Footnote to Item No. 884. A 10% environmental surcharge based on the rate per month in dollars shall be added to the above rates.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of May 22, 2001.

_____

Secretary

PORT OF SAN FRANCISCO

MEMORANDUM

May 16, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Request for authorization to use the Hyde Street Harbor Parking Rules and Regulations, the Hyde Street Harbor Parking Permit Application and to charge a fee of $25.00 per month for a parking permit.

DIRECTOR'S RECOMMENDATION: AUTHORIZE PORT STAFF TO USE THE HYDE STREET HARBOR PARKING RULES AND REGULATIONS, THE HYDE STREET HARBOR PARKING PERMIT APPLICATION AND TO CHARGE $25.00 PER MONTH FOR A HYDE STREET HARBOR PARKING PERMIT.

On June 1, 2001, the new Hyde Street Fishing Harbor will open and fishermen will begin to populate the new commercial fishing harbor with their vessels. Part of the new harbor includes limited parking for the fishermen with vessels in the new harbor. Since parking space is limited, and at a premium in the entire Fisherman's Wharf area, the spaces will be available by permit only. Permits will be sold in the Harbor Office by staff. The fee for the permits will be $25.00 per month, plus tax for a total of $31.25. Permits will be sold quarterly.

The attached forms will be used by the Port of San Francisco Harbor Office in order to sell the parking permit (mirror hang tag), for the harbor tenants who wish to utilize the limited number of spaces provided.

Port Staff seeks Commission authorization to use the attached Hyde Street Harbor Parking Rules and Regulations, the Hyde Street Harbor Parking Permit Application and to charge a fee of $25.00 per month for the permit.

Prepared by: Brad Gross, Wharfinger
For: John Davey, Maritime Operations Manager

This Print Covers Calendar Item No. **6B**

APPLICATION FOR SAN FRANCISCO PORT COMMISSION HYDE STREET HARBOR PARKING PERMIT

Application is made for ~~——~~a parking ~~space(s)~~ Permit for Hyde Starter Harbor Parking Lot at the rate + parking tax per month each, for a total monthly charge of ~~—each~~, effective . This Permit is effective from ~~6 AM to — PM, 5~~24 hors a day, seven days a ~~week~~ week.~~(Monday – Friday).~~

The Permit is made upon the express conditions that the Commission is to be free from liabilities and claims for damages and suits for, or by reason whatsoever from any cause or causes whatsoever, including the negligence of the Commission, and Permittee hereby covenants and agrees to save harmless the Commission from all liabilities, claims for damages, suits and litigation expenses in connection with this permitted parking.

Permittee, as a material part of the consideration to be rendered to the Commission, hereby waives all claims against the Commission for damages to persons of automobiles or other personal property or theft of or from any automobile from any cause arising at any time, including all claims arising out of negligence of the Commission in connection with this permitted parking.

~~Permittee, if a multiple stall holder, agrees to be bound to the obligations hereinabove set forth for each and every of the parking stalls enumerated.~~

Permittee, in the event this permit is granted covenants to be governed and abide by the parking rules and regulations of the San Francisco Port Commission, all as set forth in detail on the back hereof. Failure to so observe rules and regulations of the San Francisco Port Commission will subject the Permittee to a forthwith termination of this permit and expose his vehicle to being tagged and towed away.

This Permit is accepted on the conditions stated above, which have been read by the undersigned.

_____ _____

Signature Date

Billing Information: Business Affiliation:

_____ _____

Telephone: (Business) _____

Home Address: (Home) _____

Fax: _____

Type of Car(s): _____

Color of Car(s): _____

License No.(s): _____

Parking Card(s) No.: _____

Application is approved and parking ~~stall(s)~~tag, No.~~(s)~~ ** ha~~v~~es been assigned to you effective .
This permit may be revoked at any time by the San Francisco Port Commission.

PLEASE READ PARKING RULES AND REGULATIONS ON BACK OF THIS APPLICATION

_____

** Note: Lessee of Disabled parking stall may be required to forfeit assigned stall to a new disabled tenant with little or no notice.

SAN FRANCISCO PORT COMMISSION
HYDE STREET HARBOR PARKING RULES AND REGULATIONS
EFFECTIVE 1ST OF JUNE 2001~~AUGUST 1982~~

1. All parking rental fees are due in advance of the month in question. Payments will be due by the first of each month. If a payment is not received by the ~~2~~10th of the month, a $5.00 fine will be charged. Permits must be be purchased through the Habor Office and are valid for up to three months at a time.

2. ~~Stall~~ Permit holders who do not pay their parking rental fees within forty-five (45) days of the billing date may have their permit~~stalls~~ canceled. Upon written notice from the Port, the ~~stall may be assigned to someone else as of the first of the next month.~~permit may be cancelled.

3. ~~Stall~~ Permit holders shall be required to deposit one month's parking rental fee with the Port of San Francisco. (The one month's rental deposit shall only be applied to new stall holders following adoption of these rules and regulations.)

4. Stall holders shall be required to provide the Port written notice (minimum notification time of two weeks) prior to ~~vacating their stalls~~ cancel their permit. Telephone calls are not acceptable. Said notice must be received by the Port prior to the close of billing for any individual month. (The parking bills are closed by the 20th of each month for the following month.) Therefore, if a ~~stall~~ permit holder wished to cancel a permit~~vacate a stall~~ on the 20th of any month, written notice should be received by the Port sometime between the 1st thru the 20th of the prior month. Please send written notices to the following address:

Port of San Francisco
~~Ferry Building, Suite 3100~~Pier 1
San Francisco, CA 94111
Attn: Hyde Street Harbor Parking ~~Rental Office~~Permits

5. All permit~~stall~~ holders who indicate that they plan to cancel their permit~~vacate their stall~~ after the 15th of any month shall be required to pay for a month's rental. If the permit is cancelled ~~stall is vacated~~ prior to the 15th of any month, the ~~stall~~ permit holder shall only be charged for one half of the month's rental fee.

6. Automobiles occupying reserved stalls that have been assigned to a business or a designated space will be towed. ~~someone else are subject to being tagged and towed away. When a violator is in your stall, DO NOT PARK IN ANOTHER STALL; report the violation to the Port's Tenant Services Department (Tel. No. 274-0524) and the Port will have the car tagged and towed as soon as possible.~~

~~Note: When reporting that a violator is in your stall, please provide us with a full description of the vehicle before telephoning.~~

~~If you park in a meter you must feed the meter as the Port of San Francisco will not assume liability for any citation you may receive.~~

7. The Port of San Francisco reserves the right to adjust rental rates with a thirty (30) day written notice and San Francisco Port Commission approval.

Permittee realizes that this permit provides the opportunity for park in a Hyde Street Harbor stall, but does not guarantee the availability of a stall. The number of permits issued exceeds the number of stalls available and parking is on a first come first serve basis. The port is not responsible for providing alternative parking for the permit holder in the event all of the Hyde Street Harbor parking stalls are in use.

This permit is RESTRICTED TO 72 HOURS OF CONTINUOUS OCCUPANCY OF A STALL AT HYDE STREET HARBOR PARKING LOT. ANY PERMITTEE WHO OCCUPIES A SPACE FOR MORE THAN 72 CONTINUOUS HOURS WILL BE TOWED. It is the responsibility of the permittee to make arrangements for long term parking of their vehicle at another site.

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-38

WHEREAS, on June 1, 200,1 the new Hyde Street Fishing Harbor will be open to commercial fishermen; and

WHEREAS, part of the new Hyde Street Harbor includes limited parking in the area for fishermen with vessels in the new harbor; and

WHEREAS, parking is limited and at a premium in the area of the new Hyde Street Fishing Harbor; now therefore be it

RESOLVED, to authorize staff to use the Hyde Street Harbor Parking Permit Application; and

RESOLVED, to authorize staff to charge a $25.00 per month fee for a Hyde Street Harbor Parking Permit.

RESOLVED, that the San Francisco Port Commission authorizes Port staff to use the Hyde Street Harbor Parking Rules and Regulations attached to the memorandum to the Commission dated May 16, 2001.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of May 22, 2001.

_____
Secretary

PORT OF SAN FRANCISCO

MEMORANDUM

May 15, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Informational Briefing on the Maritime Cargo and Industrial Land Use Study

DIRECTOR'S RECOMMENDATION: No Action Required, receive public comments.

On March 23, 1999, the San Francisco Port Commission adopted Resolution 99-03 asking that a Maritime Commerce Advisory group be formed to work with Port staff to develop a maritime industrial plan for the Port.

The Maritime Commerce Advisory Committee was formed with members from the Port's Cargo and Industrial customers including representatives from organized labor, marine terminal operators, cargo shipping users, harbor services, warehousing and ship repair. A scope of work was defined for the maritime industrial plan and in April 2000, an RFP was issued. The consulting team, consisting of Sedway Group, Martin Associates and Jordan Woodman Dobson, was chosen to develop the plan.

The draft of the Maritime Cargo and Industrial Land Use Study was published and presented to the Maritime Commerce Advisory Committee last week. Their comments are enclosed, along with a copy of the Executive Summary of the Study with this informational briefing. Draft copies of the Maritime Cargo and Land Use Study have been forwarded to the commissioners and a copy has been made available to the Commission Secretary.

The Port of San Francisco has one of the most diverse maritime portfolios of any port including our cargo and industrial industries of harbor services, ship-repair, warehousing and

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marine cargo terminals. In recent years we have had many competitive demands by non-maritime related interests for maritime-designated facilities. So the primary objective of this study was to assess the needs of our diverse maritime industries and identify land and infrastructure needs that would ensure the continuance of current levels of maritime activity as well as identify and project future maritime cargo and industrial growth and the land that will be needed to support this growth.

Based on the findings of the Study, the consulting team has made the following recommendations:

- Keep Pier 80 as the primary container/general cargo terminal. The report projected an annual growth of 3% in containerized cargo and it was estimated that Pier 80 could accommodate this growth through at least 2010.
- While the study has identified a 3% anticipated growth in the containerized market, the market is very dynamic and conditions could occur that are not predictable at this time, so it is recommended that a portion of Pier 96 be kept in reserve for any potential market growth in container and general cargoes not foreseen in this study.
- No definitive opportunities were identified for new break bulk cargo, but current levels are expected to continue.
- Dry bulk cargoes represent the largest potential growth market for the Port of San Francisco. The Port should continue it diversification into dry bulk and should set aside a minimum of five acres of additional land for terminal expansion or addition. While Hanson is currently developing Pier 94 for dry bulk expansion, a portion of Pier 96 should be held in reserve for additional potential growth.
- Support leases for concrete producers at Piers 90/92 as a means to support and attract new waterborne dry bulk shipments of aggregates.
- Develop an Amador Street bulk cargo corridor that takes advantage of this growth industry and facilitates multi-modal transportation access.
- Look for additional opportunities that will result from the implementation of the Illinois Street rail bridge which will provide a more cohesive use of the Pier 94/96, Pier 90/92 terminals with the Pier 80 container terminal.
- Ship repair and dry-docking service will remain an important industry for the Port and that the Port should continue to maintain the ship repair and dry-dock capabilities at Pier 70.
- Maintain current layberth capabilities and ensure that berth space is protected when piers are developed for other than maritime activity.
- There is a shortage of warehouse space near or adjacent to the San Francisco waterfront. Consider the backlands of Pier 94/96 for development of warehousing and assembly/distribution facilities, as well as Pier 70.
- Continue to plan for expanded facilities in the Southern Waterfront to accommodate value-added maritime services such as the Foreign Trade Zone.

- ❖ When available, market Pier 48 transit sheds for warehousing and other maritime covered storage needs and for lay berthing of smaller draft vessels. Due to its small size, water depth and transportation constraints Pier 48 will most likely not be utilized as a Marine Cargo Terminal for ocean-going vessels.

Next Steps –

The study has addressed the maritime market based needs for Port facilities and validated the need to keep existing maritime facilities while forecasting needed expansion areas for warehousing and cargo growth. Based on the study and the comments received from the Maritime Commerce Advisory Committee, staff recommends the following actions:

1. Use the study as the Port's recommendations for the Bayview Hunters Point Concept Plan.
2. Based on comments from the Maritime Commerce Advisory Group, conduct in-depth market analysis of potential break bulk opportunities not addressed in the study including fresh fruit, newsprint and steel, to determine any real future opportunities in this area.
3. Tie in Economic Impact Study results showing economic benefits to San Francisco and further elaborate benefits to community from Maritime Activities.
4. Further study warehousing opportunities for the backlands of Pier 94/96 and plans for development.
5. Develop and implement marketing plan for cargo growth as called out in plan.

This study was presented to the Southern Waterfront Advisory Committee on May 21, 2001and is now available for public comments.

Submitted by: Peter Dailey, Maritime Director

MARITIME COMMERCE ADVISORY COMMITTEE
COMMENTS ON
THE MARITIME CARGO AND INDUSTRIAL LAND USE STUDY
May 11, 2001

The Maritime Cargo and Industrial Land Use Study was presented to the Maritime Commerce Advisory Committee on May 11, 2001. The following comments were received from the group:

It was felt that there is the potential for growth in the break bulk markets and that further study should be done on the potential for fresh fruits, newsprint, and steel. It is expected that the major container ports in California will continue to increase their volumes and that this growth will provide opportunities for the Port of San Francisco to market their terminals to the break bulk carriers because they will have a harder time finding room at these container terminals.

Study recommends keeping Pier 80 as the primary container/general cargo terminal and a portion of Pier 96 in reserve for any potential market growth. It was felt that Pier 96 Reserve opportunities should be clearly stated as well as what benefits these opportunities offered to the community.

It was also noted, that references to Pier 9 in the study should include mention of Blue and Gold's use of the facility for vessel tie-up and light maintenance and repairs.

Ship Repair - Carl Hanson, President of SF Drydock has requested the following changes:

Page 15, 2nd Paragraph – Crude Oil Tankers are NOT required to use U.S. yards for repair.

Page 47, 2nd Paragraph – Alaska tanker fleet drydockings are NOT expected to increase because more and more companies are taking their ships to Korea for repairs because prices are up to 50% cheaper and with the production slow-down of Alaska Crude they have surplus tonnage they can substitute and take the ships out of service to drive them overseas.

The Alaska tanker market does NOT represent 80% of SFP's activity. It may represent 20% depending on what happens with the sale of Cascade's Drydock and the overseas trend for repair. The new generation of tankers are TOO LARGE to fit in our drydock.

Page 156, paragraph 4. SFD does have access to a rail spur off Illinois Street, which is used periodically.

Page 156, paragraph 7. Maintenance dredging is becoming CRITICAL. Future dredging must be addressed, as the costs become more prohibitive.

Add section on benefits to San Francisco and Community, including jobs and economic benefits. Also should tie in how cargo is used in their communities. For example, how the aggregates will be used to help in redeveloping Bayview Hunter's Point. Also should point out the environmental mitigation and landscaping efforts that these industries will engage in. (This should be covered in the Executive Summary as well as in the body of the report.)

Further explain that Warehouse/Distribution Centers can be looked at as more than just supporting maritime, but should be multi-purpose, serving air, rail, trucks, etc. Need to further define potential opportunities.

Item 4.2 Tugs. It was suggested that we review this section, as there are other business that may have been excluded.

In the Executive Summary the following comments were made on the Conclusions –

- More in-depth comments
- More specific actions
- Pier 48 - Want a more positive statement. Did not like the concept of undesignating Pier 48 as a Marine Terminal. Worried that this will eventually lead to the giving up of the berthing space and further IBU jobs. No giving up of berths ever.
- Bring out in conclusions that further study will be needed on some of the opportunities. Important to call them out, but not all information is available.
- Conclusions state no growth in break bulk. (See comments above.) As market potential is not really known, it should state that additional study is needed.

It was also noted that since there were several questions and comments regarding the Study that it was decided that the study would be stamped "DRAFT" on the front cover on any future copies that go out to the public.

EXECUTIVE SUMMARY

"Extracted from the Maritime Cargo and Industrial Land Use Study"

The Port of San Francisco provides one of the most diverse and varied blends of maritime and industrial uses among West Coast port facilities. Recognizing its strategic position as a major landholder along the San Francisco waterfront, the Port commissioned the consulting team of Martin Associates (MA), Jordan Woodman Dobson (JWD), and Sedway Group (SG) to assess its markets and facilities.

The primary objective of this Study was to assess the viability of the Port's maritime and industrial land uses as they relate to market conditions and the need for Port land or space along the San Francisco waterfront to accommodate the projected markets. While pursuing this end, the Study importantly identified strategic and vital ancillary services that are along the Port's waterfront properties. These specialized services are not only critical to the Port of San Francisco's current tenants, but to Bay Area end-users throughout the region. Some of these services include bar pilots, tug and tow operators, dry dock/ship repair, and lay berthing and vessel fueling functions.

The Maritime and Industrial Land Use Study began with a market assessment by Martin Associates to consider the historic marine cargo activity at U.S. West Coast ports and the changing role of Northern California/San Francisco Bay Area ports in recent years. MA developed market forecasts up to the year 2010 for containerized cargo, break bulk, liquid bulk and dry bulk cargoes. JWD included this data in its Facility Assessment estimates for future needs.

A key element of this Study is the importance of warehousing along San Francisco's waterfront. Sedway Group performed an assessment through interviews of activities that included general warehousing, assembly/distribution, bonded and refrigerated warehousing. Historically, warehousing was crucial to any port's success, but with the proliferation of containerization for most cargoes, port warehousing (transit sheds) virtually disappeared at other ports. However, in San Francisco, warehousing along the waterfront remains an important and necessary use to help preserve distribution, storage and manufacturing businesses in San Francisco that support cargo and maritime operations.

JWD's Facility Assessment examines the capacities of current cargo operations at the Port. By comparing the market forecast annual growth rates with the estimated maximum throughputs for each cargo type, it was possible to determine whether development would be needed for future demands. While the assessment did not cover navigational and support activities at the Port, JWD understood these conditions and included them in its evaluation about future needs. JWD also developed conditional status reports for all maritime and industrial facilities.

1. MARINE CARGO MARKET ASSESSMENT

The Market Assessment documents the Port's significant role in providing much needed maritime and industrial services for the entire San Francisco Bay Area.

Exhibit E-1 represents the various cargo types handled at the Port of San Francisco and the estimated annual growth rates based on the "most likely scenario" identified in the Market Assessment. Standard industry units are used to represent the estimated 2010 volumes.

Exhibit E-1
Estimated Annual Growth Rates based on "Most Likely Scenario" to the Year 2010

Cargo Type	Estimated Annual Growth Rate	Estimated 2010 Throughputs
Containerized Cargo	**3%**	**60,800 TEU**
Break Bulk	**0%**	**27,000 Short Tons**
Dry Bulk	**7.6%**	**2,066,000 Short Tons**
Liquid Bulk	**0%**	**50,000 Short Tons**

The Port of San Francisco's position as Northern California's leading cargo port lessened over the past 35 years. In 1996, the Port's annual throughput was only 5000 containers, with only one steamship line customer remaining. Through a revitalized marketing strategy, in 2000, the Port's container throughput had grown to 50,000 containers, with over eleven steamship line customers calling at Pier 80.

The Port of San Francisco turned itself around by marketing its services to small and medium container lines rather than the larger carriers. The Port's current containerized cargo facilities should accommodate most future market growth. But San Francisco's size and geography will make it particularly vulnerable to the volatility in the containerized cargo industry, as seen by recent amalgamations in the Australia New Zealand trade lanes. **This Study, therefore, recommends keeping Pier 80 as the primary container/general cargo terminal, and a portion of Pier 96 in reserve for any potential market growth.**

The general cargo or breakbulk market in the Port of San Francisco is small and "spotty" at best. Interviews with breakbulk shippers indicate that their use of the Port results from single orders of products, such as construction equipment, and do not present a steady market. **No definitive opportunities for new breakbulk cargo have been identified for the Port of San Francisco.**

Dry bulk consists of aggregate (sand and rock) destined for San Francisco's concrete, asphalt and other construction-related markets and clearly represents the largest potential growth market for the Port of San Francisco. Industry sources identify a potential market of over two million tons of aggregate in the near-term. **Since the existing capacities at the Port's existing dry bulk facilities are estimated to be**

approximately just over two million tons of throughput, and the potential annual shortfall of approximately 14,000 short tons strongly suggests a need for either new facilities or an expansion of existing property (refer to exhibit E-2).

The liquid bulk market at the Port consists of tallow, fats and greases processed or transloaded through the Darling International operation located at Pier 92. Darling International's lease with the Port includes the piping and tanked storage of its products. **Since there is no expectation that the market for these commodities will increase significantly, the current facilities can accommodate any anticipated growth.**

2. SHIP REPAIR/DRY DOCK ASSESSMENT

Ship repair and dry-docking services remains as one of the most viable growth opportunities for the Port of San Francisco. Pier 70's dry-dock is the second largest on the West Coast and can handle many of the largest vessels on mid-Pacific trade routes. Repair work is done here on large government vessels for Marad and the Military Sealift Command on an annual basis, thus generating on-going repair/dry dock business. Also, twice a year, two or three large cruise ships transition between their summer and winter itineraries in San Francisco Bay providing the Port with additional opportunities for these services. Another opportunity for Pier 70 services lie in the requirements for Jones Act vessels to be dry-docked twice every five years, resulting in a cyclical repair market. Vessel owners are able to distribute the repair work over the 5-year period, thus assuring a long-term need for these services. **Therefore, the Port should continue to maintain ship repair and dry-dock capabilities at Pier 70.**

3. BAY AREA WAREHOUSE MARKET ASSESSMENT

Recent mixed-use projects along the San Francisco waterfront south of the Bay Bridge, such as Pacific Bell Park and Mission Bay, have put tremendous redevelopment pressure on Port property and land adjacent to it. As this land is converted into profitable office or residential uses that are in intense demand, warehouse space shrinks and forces traditional users to leave the area to find more affordable and available warehouse facilities.

Sedway Group interviewed potential future end-users of warehouse space at the waterfront and found that the existing supply of warehouse space cannot keep up with the real demand for it. Development of Port property for warehouse use is impacted by a requirement to use ILWU labor in designated regions. There is a delicate balance that must be struck between labor and end-users to actualize the Port's ability to develop more warehousing opportunities.

All of these factors have led to an inaccessibility or shortage of warehouse space near or adjacent to the San Francisco waterfront. The Port would be prudent to negotiate agreements among all interested parties for the development of warehousing on its property. Some recommendations for locations of warehousing development have been provided in the Conclusions section of the Executive Summary.

4. OTHER ANCILLARY USES

The Port of San Francisco is the center of Northern California's Harbor Service Industry and leases facilities to tenants providing important, needed harbor services to the maritime industry throughout the San Francisco Bay Area. These ancillary operators include tug operators and bay pilots, and contractors providing lay berthing to U.S. government ships and to the world's fleet. Because of the Port's central location in the Bay, cargo/vessel-related services are economical for the whole region and San Francisco is also the closest Bay Area port to the Pacific Ocean. Layberthing has significant economic ripple effects on the Port's ship repair and harbor service industries, as well as generating nearly $1 million in annual revenues.

5. FACILITY ASSESSMENT

The Facility Assessment provides the Port with an objective evaluation of its current cargo, maritime/industrial and ancillary facility operations. It includes a preliminary assessment of potential growth as identified in Martin Associates' market analysis. It also identifies potential needs for future facilities as well as infrastructure improvements to accommodate growth. Potential associated costs and other requirements would have to be defined in a separate study.

Exhibit E-2 represents the findings of the cargo throughput estimates based on cargo types, the Market Assessment, and available information.

Exhibit E-2
Comparison of Current Throughputs and 2010 Projected Throughputs with Estimated Maximum Practical Throughput by Cargo Type

Cargo Type	2000 Throughput	2010 Estimated Throughput	Est'd. Max. Practical Throughput	Estimated Shortfall
Container Cargo	**51,500 TEU**	**60,800 TEU**	**154,000 TEU**	**0**
Break Bulk	**27,000 ST**	**27,000 ST**	**N/A**	**0**
Dry Bulk	**993,000 ST**	**2,066,000 ST**	**2,052,000 ST**	**14,000 ST**
Liquid Bulk	**31,650 ST**	**50,000 ST**	**108,000 ST**	**0**

The comparison estimate presented in Exhibit E-2 suggests a potential shortfall for dry bulk cargo of approximately 14,000 short tons if the 2010 forecasted volumes of throughput are realized at the Port of San Francisco. This study also indicates that the three existing dry bulk facilities may be unable to meet the future expectations and anticipated growth of dry bulk commodities at the Port, and **it recommends that the Port set aside approximately five acres (minimum) of additional land for terminal expansion or addition. And, some provision should be made for the possible land banking of Port property and facilities for opportunities that may develop beyond the year 2010.**

6. CONCLUSIONS

Based on the findings of the Maritime and Industrial Land Use Study, the consulting team has the following recommendations:

- **The current facilities at Pier 80/94/96 are unique in that they provide existing infrastructure, deep-water access, good road and rail access and represent one of the last industrial site opportunities for the Port. Pier 80 should continue to be Port's primary container/general cargo terminal, and a portion of Pier 96 should be held in reserve for future growth. The Port should continue its diversification into dry bulk giving its cargo shipping industry a needed stable commercial foundation.**

- **Consider the backlands of Pier 94/96, with its proximity to ocean terminals, airport, highway/rail and downtown area, as a possible development opportunity site for warehousing and assembly/distribution facilities.**

- **Make provisions at Pier 48 to lease existing transit sheds for warehousing and other covered storage needs and to the lay berthing of various smaller draft vessels. Due to its small size, water depth and transportation constraints, Pier 48 should not be designated as a marine terminal facility, although it is well suited for many maritime support uses.**

- **Maintain Pier 70's facilities for dry-docking and ship repair services and continue to develop the surrounding areas as mixed-use facilities, value-added services and other uses that may foster maritime and industrial growth in that area. Tug and tow operators, ferryboat operations, and potential lay berths would work well.**

- **Develop an Amador Street bulk cargo corridor that takes advantage of a growth industry and facilitates multi-modal transportation access.**

- **Continue to nurture and plan for expanded facilities in the Southern Waterfront to accommodate value-added services and opportunities for the Foreign Trade Zone.**

- **Consider opportunities that may arise out of the implementation of the new Illinois Street intermodal bridge that may facilitate a more cohesive use of the Pier 94/96 terminals with the Pier 80-container terminal to make it more marketable to rail dependent services.**

- **Continue to market Port of San Francisco berths for layberth activity and ensure that berth space is protected when piers are developed for other than Maritime activity. Investigate capital investment to maintain current berth inventory, specifically Pier 70.**

The Port of San Francisco is also considering leasing property to San Francisco construction businesses and two large local concrete producers as a means to support and attract new waterborne aggregates. While potential of this market opportunity would also depend on SEIR and Port Commission action, it is a viable and complimentary use of Port property.

PORT OF SAN FRANCISCO

MEMORANDUM

May 17, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Approval of Locations for Public Service Kiosks by JCDecaux San Francisco Inc. along The Embarcadero between Bay Street and Second Street.

Background

A JCDecaux Automatic Public Toilet to serve Rincon Park was conceptually approved by the Port and Redevelopment Agency on February 29, 2000 as part of the schematic design and improvement plans for the park (see Figure 1). The City contract with JCDecaux San Francisco requires that for each one (1) automatic toilet installed, a total of 4.5 public service kiosks be installed on City property. If an odd number of toilets are proposed, the number of kiosks is rounded up to the next whole number, therefore 5 (five) kiosks are required. Under the contract terms, JCDecaux installs and maintains the public toilets and public service kiosks on City property at no cost to the City.

The Port Commission must approve any proposed toilet or public service kiosk on Port property. On March 26, 2001, the Port Commission approved the installation of one automatic public toilet near the southern boundary of the Park. The Port Commission must now determine acceptable sites for locating the required 5 public service kiosks required under the City contract.

Proposed Public Service Kiosk Locations

JCDecaux identified six public service kiosk sites that meet their location requirements. The locations are listed below and are illustrated on Figures 2 and 3:

1) Northbound Embarcadero near Second
2) Southbound Embarcadero near Townsend
3) Southbound Embarcadero near Bryant
4) Southbound Embarcadero near Folsom
5) Southbound Embarcadero near Mission
6) Southbound Embarcadero near Bay*

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* Note: The Port previously authorized a kiosk for Harry Bridges plaza that was temporarily relocated to Embarcadero/Bay Street for construction of the Mid-Embarcadero Roadway. Approval of the attached Resolution will allow the Embarcadero/Bay kiosk to remain; a new kiosk will be returned to Harry Bridges plaza since the roadway construction is complete.

Typically, JCDecaux requests City or Port approval for many more sites than are needed to fulfill the contract requirements. Based upon subsequent technical investigations into the installation costs of each site, JCDecaux applies for building permits to install the required number of kiosks at only the most feasible locations.

The Port and Redevelopment Agency staffs have worked with JCDecaux, the CAC and interested property owners to review and discuss possible kiosk site locations. All possible sites were considered along The Embarcadero between Third Street and the Ferry Building, the area considered to benefit most from the Park amenity. The waterfront promenade or PortWalk immediately adjacent to the Bay was eliminated from consideration, in deference to the existing improvements and pedestrian activity in this area. Much of the inland side of The Embarcadero was unacceptable to JCDecaux due to the presence of on-street parking, because the kiosks must be visible from the roadway. Newly installed street trees and street lamps further limit the potential sites. Alternative locations on Port property were considered including streets other than The Embarcadero, however these options were either not acceptable to JCDecaux or to the Port and Redevelopment Agency. Although it is preferable to have more kiosk site options in case there are technical problems with any one site, a total of six candidate sites were identified, including the one existing temporary site at Bay Street which is recommended as a permanent site.

The Rincon Point-South Beach CAC recommends the placement of JCDecaux public service kiosks at only the first five (5) of the proposed locations listed above (see attached March 16, 2001 letter to Port). The CAC also recommends that the internal lighting for the kiosks be shut-off between midnight and 6:00 a.m. every day for sites adjacent to residential developments.

The Port staff presented the proposed kiosk locations to the Port Commission on March 26, 2001 and public comments were received at that hearing. Two other letters have been received on this matter, one from Judith Patterson objecting to any advertising on The Embarcadero and another from the Jewish Community Federation expressing concern that the kiosk on The Embarcadero near Mission will pose a security risk to their building at 121 Steuart Street. Port staff has investigated their security concerns through on-site inspections and review of the issue with the San Francisco Police Department. Staff determined that the security risk of the kiosk was minimal as described in the Port's May 15, 2001 letter of response (see letters attached).

The City contract with JCDecaux requires Port Commission approval of any proposed toilet or public service kiosk on Port Property. If JCDecaux finds any previously approved location to be infeasible as a kiosk site, they may propose an alternate or substitute location that shall be subject to Port Commission approval.

Recommendation

Staff recommends that the Port Commission approve five public service kiosk locations, as follows:

1) Southbound Embarcadero near Townsend
2) Southbound Embarcadero near Bryant
3) Southbound Embarcadero near Folsom
4) Southbound Embarcadero near Mission
5) Southbound Embarcadero near Bay

These locations are consistent with the recommendation of the CAC and the kiosk on The Embarcadero near Mission is not expected to pose an increased security risk to the building at 121 Steuart Street.

JCDecaux will conduct technical investigations and prepare detailed plans for the installation of the 5 public service kiosks. JCDecaux intends to secure the necessary permits and complete the installation of the public toilet and kiosks by the end of the year, coincident with the expected completion date for Rincon Park. If JCDecaux finds any previously approved location to be infeasible as a kiosk site, they may propose an alternate or substitute location on Port property that shall be subject to Port Commission approval.

There are no known problems concerning light or glare from existing public service kiosks near residential properties. The kiosks are aligned with the city streetlights between the sidewalk and the curb face, are not as tall as the existing streetlights, and are not expected to affect the adjacent residential properties. Nevertheless, the City's contract with JCDecaux includes provisions for removing or relocating up to three (3) public service kiosks in any twelve month period because of private development, public works projects, public convenience or any other reason. Based upon this provision, the Port can be responsive to community concerns when or if they arise.

Prepared by: Kari Kilstrom
Planning & Development

PORT COMMISION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-39

WHEREAS, in April 1994 the Port Commission, the City and County of San Francisco, and JCDecaux San Francisco Inc. entered into a contract to install self-cleaning public toilets and public service kiosks on Port property; and

WHEREAS, in December 1998, the Port Commission, the City and County of San Francisco and JCDecaux San Francisco Inc. entered into an amended and restated Automatic Toilet and Public Service Kiosk Agreement; and

WHEREAS, the amended contract requires that a total of 4.5 public service kiosks be installed for each one (1) automatic toilet installed; and

WHEREAS, the amended contract requires that if an odd number of automatic toilets are proposed, the permitted number of public service kiosks shall be rounded up to the next whole number, requiring a total of five (5) public service kiosks to be installed for the proposed automatic toilet; and

WHEREAS, pursuant to the amended contract, JCDecaux San Francisco will install and maintain, at no cost to the Port, the public toilets and public service kiosks on Port property; and

WHEREAS, pursuant to the contract, JCDecaux San Francisco will submit engineering drawings to secure all necessary permits from the Chief Harbor Engineer and other regulatory agencies with jurisdiction over the proposed facilities; and

WHEREAS, on March 25, 2001 by Resolution 01-22, the Port Commission approved the installation of one (1) automatic toilet located at Northbound Embarcadero, near the Fire Boat House at end of Harrison Street; and

WHEREAS, on March 25, 2001 by Resolution 01-22, the Port Commission approved the installation of five (5) public service kiosks pursuant to the City contract with JCDecaux San Francisco, but deferred the determination of acceptable locations to a later date; and now therefore be it

RESOLVED, that the Port Commission approves the installation of five (5) public service kiosks at the following locations:

1) Southbound Embarcadero near Townsend
2) Southbound Embarcadero near Bryant
3) Southbound Embarcadero near Folsom
4) Southbound Embarcadero near Mission
5) Southbound Embarcadero near Bay

and, be it further

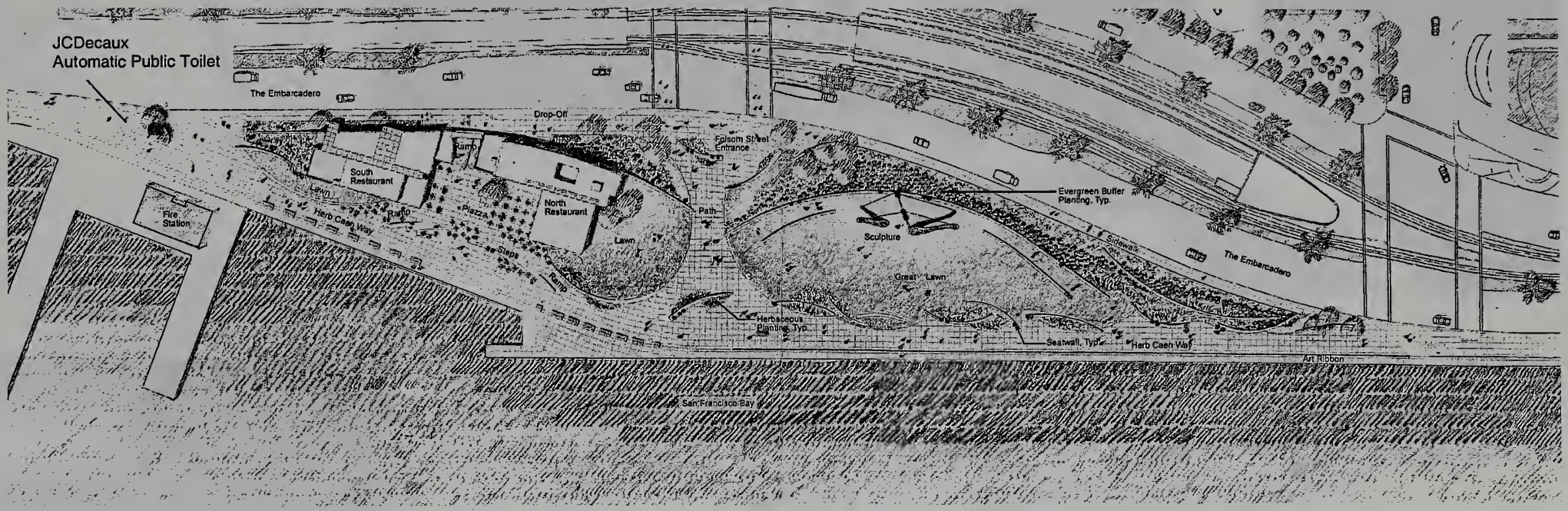
RESOLVED, that the above mentioned locations are approximate and, if upon further technical investigations and discussions between the Executive Director and JCDecaux any of the sites prove infeasible, the Executive Director is hereby authorized to approve minor modifications to the locations to accommodate the placement of the Decaux facilities; and be it further

RESOLVED, that if JCDecaux finds any previously approved location to be infeasible as a kiosk site, they may propose an alternate or substitute location on Port property that shall be subject to Port Commission approval; and be if further

RESOLVED, that the Port Commission hereby approves Resolution No. 01-39.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of May 22, 2001.

_____
Secretary



RINCON PARK
Illustrative Site Plan

Olin Partnership
24 January 2000 Scale : 1" = 20'-0"

Figure 1

JCDecaux San Francisco
Proposed Kiosk and Restroom Locations

March 1, 2001

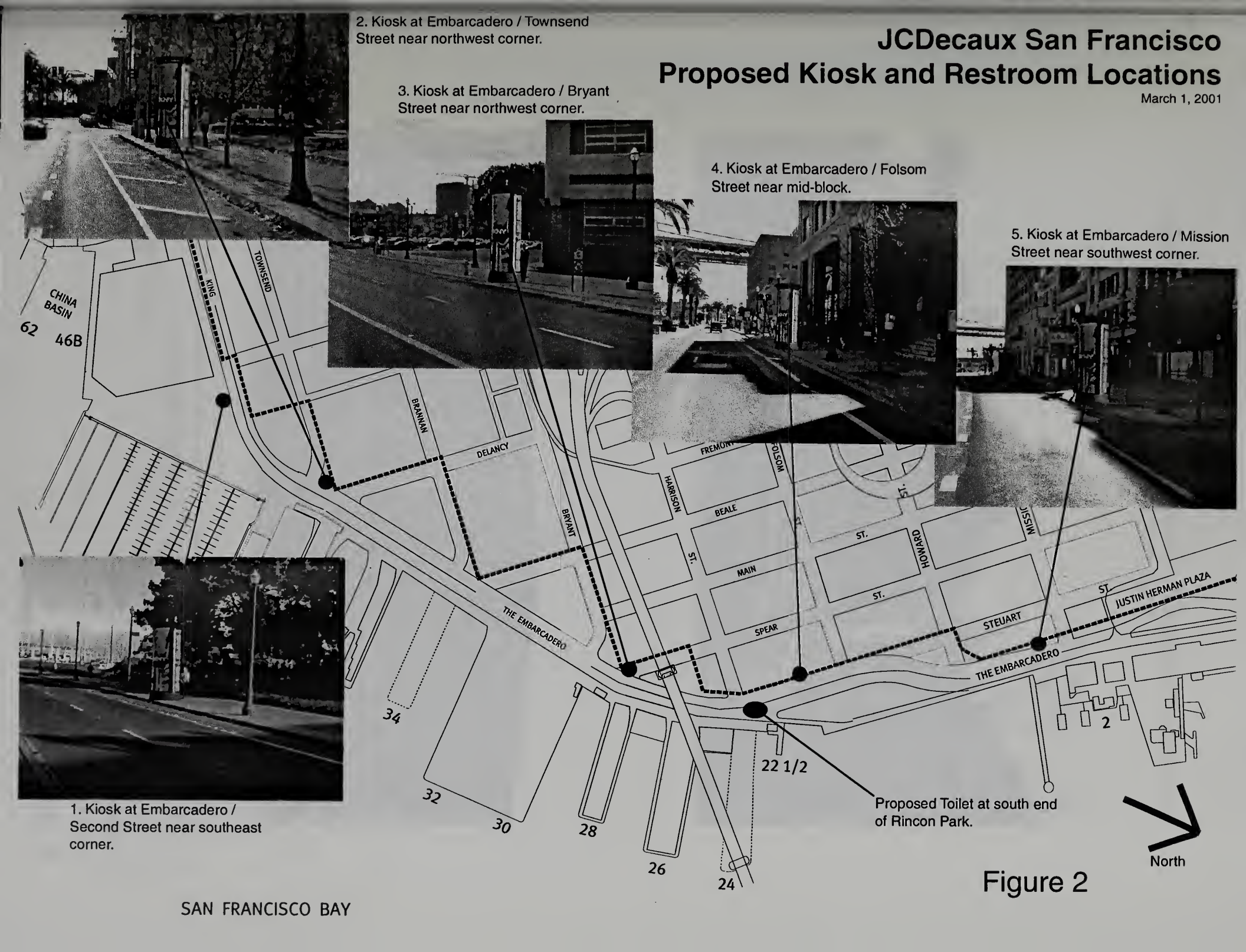
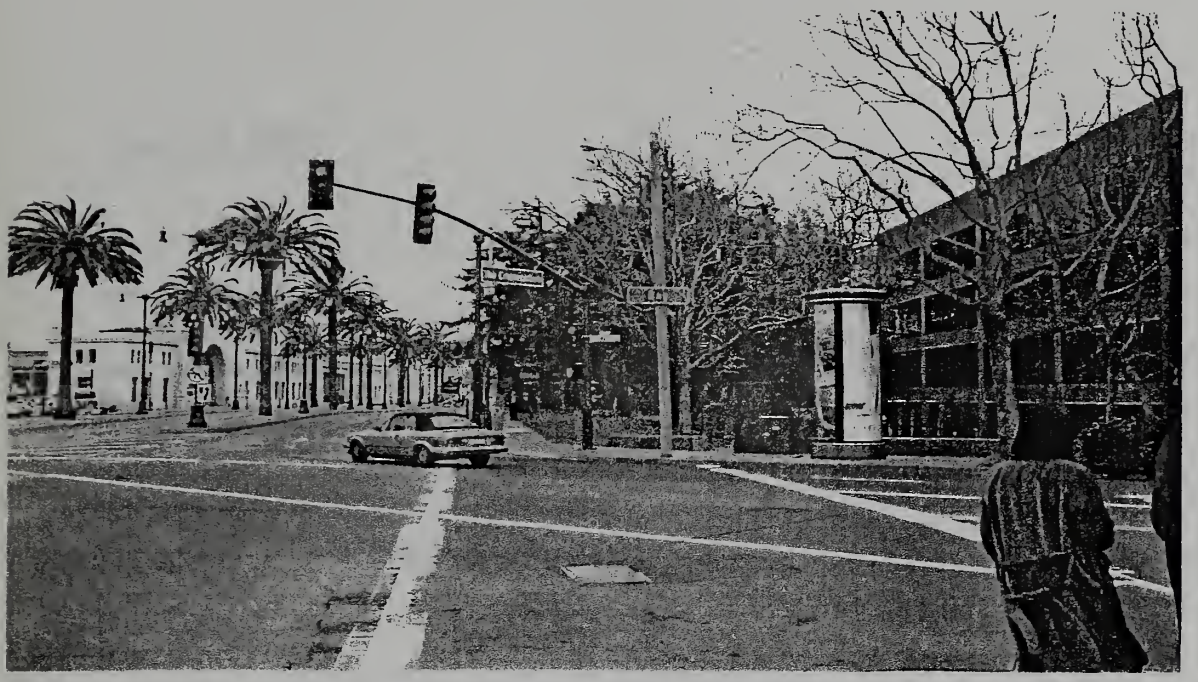


Figure 2

JCDecaux San Francisco



Address	Bay @ Embarcadero	**Street Corner**	
Automatic Public Toilet	**Type**		
Comments	**Date**	2/22/01	
Scale 20:1	**Ref**		

Figure 3

RINCON POINT - SOUTH BEACH
CITIZENS ADVISORY COMMITTEE

March 16, 2001

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Toby Levy
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Judith B. Walsh
Paul D. Warenski
Patricia Wilks
Beverly T. Wilson

**Interim Members Ballpark Matters*

Mr. Douglas F. Wong
Executive Director
Port of San Francisco
Pier 1
San Francisco, CA 94111

RE: Rincon Park Public Restroom

Dear Doug:

I am writing you at the direction of the Rincon Point – South Beach Citizens Advisory Committee (CAC) to voice our position and concerns regarding the issue of including a J.C. Decaux public restroom in Rincon Park and the resulting installation of J.C. Decaux public service kiosks along the Embarcadero. We have been working with staff from both the Redevelopment Agency and the Port for the past several years regarding the concept and design of this park between the Embarcadero Roadway and the Bay, opposite the new GAP headquarters building. During this process there have been many compromises made by all of the parties involved in hopes of achieving our common goal of constructing this potentially beautiful public open space along the southern waterfront sometime in the near future. This restroom issue has developed into a situation where our making another such compromise appears to be necessary to ensure a timely development of the park.

Our committee has spent a great deal of time walking our neighborhood with staff members and representatives of J.C. Decaux to find locations suitable for their advertising that are the least offensive from a neighborhood viewpoint. We have also investigated and debated the possibility of alternatives to a J.C. Decaux public restroom in Rincon Park, but have unfortunately found no alternative that meets the financial and time constraints of the project. Therefore, the general consensus among members of our CAC is that, while we are not pleased with the concept of additional advertising along the Embarcadero, we are willing to acquiesce to and herein recommend the placement of J.C. Decaux public service kiosks at the following locations along the Embarcadero.

SW corner of Embarcadero & Bay
SW corner of Embarcadero & Mission
Mid-block of Embarcadero near Folsom
NW corner of Embarcadero & Bryant
NW corner of Embarcadero & Townsend

In conjunction with this we also strongly recommend that the sites adjacent to residential developments be conditioned to require no lighting of the advertising kiosks from midnight to 6:00 am every day. And we ask that the location at Embarcadero & Townsend be designated as a temporary location subject to relocation to another mutually agreeable site, if this site is found to be unsuitable. While we know that these requests are outside of the normal J.C. Decaux contract terms, we believe that they are reasonable considering the predominantly residential nature of the neighborhood, and the constraints that have been placed on other forms of advertising along the southern Embarcadero by both this committee and various public agencies.

We greatly appreciate the receptive and thoughtful nature with which our viewpoints are met by the Staff and Commission of the Port of San Francisco. And let me assure you that the CAC takes very seriously its opportunity to express to the Port its comments and recommendations regarding issues on the southern waterfront. It is through this method of open communication, and serious but fair-minded deliberation (and compromise), that our neighborhood has been able to maintain its character while embracing the growth along the southern waterfront.

Sincerely,

Richard Dickerson
Chairperson

cc. Amy Neches
S.F. Redevelopment Agency

TO: Douglas F.Wong
Executive Director
Port of San Francisco

March 2001

FROM: Judith H Patterson
Hills Plaza

RE: Proposed Embarcadero Decaux Kiosk and Restroom

I do not approve or agree with the concept that San Francisco must put up five or seven or **any** advertising kiosks in order to meet the needs of having public restrooms.
We have a beautiful city with a shoreline that should be keep pristine. NOT filled with billboards or advertising kiosks. The Embarcadero should have its beauty preserved, and not trashed with more advertising, regardless of cost. Let's think of some other possibilities.
It has recently been brought to my attention that the Restaurants in the Rincon Park are having multiple difficulties. Including financial matters, which may interfere with starting the construction of their buildings. If this is true, it gives us a perfect opportunity to re-evaluate the style and location of the restroom for the park. (And possibly put the restroom back in the restaurant design where it belongs)
I encourage you to postpone any decisions on the J.C.Decaux public service/advertising kiosks and restroom until the Park Restaurant issues are settled.
Thank You,
Sincerely,

Judith H. Patterson

Judith H. Patterson
75 Folsom
OneHills Plaza
San Francisco CA
94105

Cc. Kari Kilstrom
Jeffrey Leibovitz

JEWISH COMMUNITY FEDERATION

OF SAN FRANCISCO, THE PENINSULA, MARIN AND SONOMA COUNTIES

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CONSTITUENT AGENCIES
Bureau of Jewish Education
Hebrew Free Loan Association
Jewish Family and Children's Services
Jewish Home
Jewish Vocational Service
Mount Zion Health Fund

E-mail: info@sfjcf.org
Website: www.sfjcf.org

March 22, 2001

Kari Kilstrom
Development Project Coordinator
Port of San Francisco
Pier 1
San Francisco, CA 94111

Dear Ms. Kilstrom,

It has been brought to my attention that the Port of San Francisco is considering having a kiosk placed on the Embarcadero near Mission Street. This kiosk, as I understand it, is to be fourteen feet high and would sit between the Jewish Community Federation's building and its neighboring building. I am writing to advise you that we are opposed to the placement of a kiosk so close to our building.

The Jewish Commmunity Federation has a long-standing policy of opposition to any kind of structure (statue or kiosk) that can potentially hide a person or object. We must continually be vigilant in our lessening of any potential threats to the security of our building and its inhabitants, and we work closely with the San Francisco Police Department to ensure that potential risks to the safety and well being of those in and around our building are avoided. We see the proposed placement of the kiosk as increasing our security risk. However, we would be delighted to discuss alternatives that avoid this risk. Thank you for your attention.

Sincerely yours,

John Goldman
President
Jewish Community Federation

121 Steuart Street
San Francisco, Califomia 94105
Telephone: 415.777.0411
Facsimile: 415.495.6635
E-mail: sf@sfjcf.org

200 No. San Pedro Road
San Rafael, California 94903
Telephone: 415.499.1223
Facsimile: 415.499.0308
E-mail: marin@sfjcf.org

411 Borel Avenue, Suite 503
San Mateo, California 94402
Telephone: 650.349.1523
Facsimile: 650.572.0949
E-mail: northpen@sfjcf.org

655 Arastradero Road
Palo Alto, California 94306
Telephone: 650.494.8444
Facsimile: 650.494.8465
E-mail: southpen@sfjcf.org

3855 Montgomery Drive
Santa Rosa, Californie 95405
Telephone: 707.528.4222
Facsimile: 707.528.4288
E-mail: sonoma@sfjcf.org

JDC Hill, P.O. Box 3489
Jerusalem 91034, Israel
Telephone: (02) 655.7233
Facsimile: (02) 566.1244
E-mail: israel@sfjcf.org

PORT OF SAN FRANCISCO

May 17, 2001

Mr. John Goldman, President
Jewish Community Federation
121 Steuart Street
San Francisco, CA 94105

Dear Mr. Goldman:

This letter is in reply to your March 22, 2001 letter regarding the placement of a JCDecaux Public Service Kiosk adjacent to the northerly boundary of the Jewish Community Foundation's building fronting Steuart Street in San Francisco. We appreciate your concern and vigilance to maintain the security of your building at 121 Steuart Street and understand that you are concerned with the placement of any structure that can potentially hide a person or object near the building.

The primary ingress and egress to the building at 121 Steuart is on Steuart Street; the back doors (egress only) open onto a 31-foot wide sidewalk along The Embarcadero Roadway. The proposed kiosk would be located near the curb, adjacent to southbound lanes of The Embarcadero Roadway, approximately 25 feet from the nearest rear exit of the building.

In response to your letter, the Port consulted with the Police Department to assess whether the placement of the kiosk would pose a security risk. The assessment concluded that any person or object attempting to be concealed from the rear doors of the building would be fully visible from The Embarcadero roadway. The kiosks are sealed and unavailable to conceal objects within. The kiosk is internally lit and visible on all sides from either the roadway or the sidewalk.

There are existing JCDecaux public service kiosks on Market Street near foreign embassies that periodically draw large crowds and demonstrations. The Police Department states that the kiosks have not presented a security issue in those locations.

The public service kiosks are part of a program to provide an automatic public toilet to serve Rincon Park that will be a wonderful, waterfront public open space for the City. In light of our consultation with the police department about security issues and the need to provide public service amenities for the waterfront, we plan to proceed with the kiosk location in the proximity of the rear exit of your building. If you have any other concerns, please feel free to call me at 274-0536.

Sincerely,

Kari D. Kilstrom
Development Project Coordinator

PORT OF SAN FRANCISCO

MEMORANDUM

May 16, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: Request for authorization to execute Fourth Amendment to Professional Services Agreement No. SA3960018, "Design of Pier 52 Public Boat Ramp and Public Access", with Arcus Architecture & Planning for additional design and construction management services

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO EXECUTE A FOURTH AMENDMENT TO AGREEMENT NO. SA3960018 WITH ARCUS ARCHITECTURE & PLANNING FOR A NOT-TO-EXCEED SUM OF $209,593

Background

The Port's consultant, Arcus Architecture and Planning (Consultant), previously completed the design documents for construction of the Pier 52 Public Boat Ramp and Public Access project. However, pursuant to the Mission Bay Plan, Catellus recently requested changes to the project design to provide for early realignment of Terry Francois Boulevard. The Terry Francois Boulevard realignment significantly impacts the Arcus' design documents. To accommodate the realignment, the design drawings and specifications must be revised to relocate the project's parking lot, revise the electrical construction and coordinate the public access with Catellus' work.

The Catellus realignment of Terry Francois Boulevard is currently in progress and scheduled to be completed by February 2002. The Port has agreed to start construction of the Pier 52 Public Boat Launch and Public Access project in February 2002 to coordinate the boat launch construction with the Catellus construction work. To meet this commitment, the Port's design documents must be revised to bid construction of the Pier 52 project. Consequently, staff seeks authorization to enter into the proposed fourth contract amendment to include additional services required to redesign the parking lot to the east of the realigned Terry Francois Boulevard, to perform a Maher Ordinance Study, to include construction assistance, and to extend the duration of the contract.

This Print Covers Calendar Item No. **8A**

Scope of Services included in the Fourth Amendment

The scope of services for the proposed fourth amendment includes:

- Redesign the Public Boat launch and parking lot coordinating grading concepts established by Catellus for the Master Plan development of Mission Bay Block P21.
- Design and establish curb and site drainage within the Boat Launch Parking lot.
- Design site improvements within the parking lot and all landscaped area under Port's responsibility, including striping, lighting, paving and drainage design and the connections to street mains.
- Design and locate new electrical service transformer and main panel, including electrical meters and connection to service distribution from the new underground service provided by Catellus.
- Design paved access to the existing Pier 54.
- Coordinate roadway realignment and the underground pump station and design criteria established by Catellus engineering consultants.
- Design grading and drainage in maneuvering area at the top of the new boat ramp.
- Design and locate new prefabricated oil recycling shed platform.
- Provide cost estimate of revised Port portion of work.
- Provide construction documents for revised Port portion of work.
- Assist and support the Port to seek permits from BCDC and other permit from any local, state, or federal Agency.
- Provide Maher Ordinance Clearance study
- Attend coordination meeting during the Design Phase with the Port and Catellus.
- Assist Port in producing bid documents and conduct pre-bid conference and site visit.
- Issue addendum and clarifications during the bid period.
- Provide construction administration support, including responding to requests for information and conducting periodic site observations.

Summary

The tasks listed above are needed to construct the Pier 52 Public Boat Launch and Public Access project. This requires a fourth amendment to the Consultant's contract to revise the project design and to extend the completion date. Port staff recommends that the Commission authorize the proposed fourth amendment to the existing contract to increase the amount of compensation in the current design services contract from $364,551 to $574,144. This will increase the Consultant's contract by an additional $209,593 for the additional services, and will be funded by Port funds. In addition, the completion date for the Consultant's services will be extended to December 31, 2002. This will enable the Port to efficiently complete the Pier 52 Public Boat Launch and Public Access project and accommodate the design changes necessitated by the Mission Bay project. This fourth amendment has been approved by the Human Rights Commission and is subject to approval by the Civil Service Commission.

Prepared by: Ken Chu, Project Engineer, for
Nita Mizushima, Chief Harbor Engineer

PORT COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-36

WHEREAS, Arcus Architecture and Planning (Consultant) previously completed the design documents for the construction of Pier 52 Public Boat Ramp and Public Access Project; and

WHEREAS, Catellus recently requested changes to the project design to provide for early realignment of Terry Francois Boulevard as part of the Mission Bay project; and

WHEREAS, the Terry Francois Boulevard realignment significantly impacts the Consultant's previous design for the project; and

WHEREAS, the Port has agreed to start construction of the Pier 52 Public Boat Launch and Public Access project in February 2002 to coordinate the project construction with the Catellus construction work; and

WHEREAS, to meet this commitment, the Port's design documents must be revised to bid construction of the project; and

WHEREAS, a fourth amendment to the Consultant's existing contract is necessary for the redesign of the parking lot to the east of the realigned Terry Francois Boulevard, to perform a Maher Ordinance Study, to include services for construction assistance, and to extend the duration of the contract; and

WHEREAS, Port staff has negotiated with the Consultant for a not-to-exceed price of $209,593 for the additional design services described in the staff memorandum accompanying this resolution; now therefore be it

RESOLVED, that the Port Commission hereby authorizes Port staff to execute the proposed fourth amendment to Contract No. SA 3960018, to increase the amount of compensation in the current design services contract from $364,551 to the not-to-exceed sum of $574,144.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 22, 2001.

_____

Secretary

PORT OF SAN FRANCISCO

MEMORANDUM

May 15, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy
Hon. Michael Hardeman
Hon. Pius Lee

FROM: Douglas F. Wong
Executive Director

SUBJECT: (1) Request for Approval of Assignment of Lease No. L-7493, dated May 1, 1970, for premises located at 286 Jefferson Street (Castagnola's Restaurant) from Lolman Enterprises, Inc. and Andrew Lolli to Lolman Associates, a California General Partnership, (2) Request for Approval of Sublease from Lolman Associates to Lolman Enterprises, Inc., and (3) Request for Approval of Assignment of Lease, dated May 1, 1970, for premises located at 286 Jefferson Street (Castagnola's Restaurant) from Lolman Associates, a California General Partnership, to Castagnolas, LLC, a California limited liability company

DIRECTOR'S RECOMMENDATION: APPROVE ASSIGNMENTS OF LEASE AND SUBLEASE SUBJECT TO CONDITIONS

I. BACKGROUND

The Port is a party to Lease No. L-7493, dated May 1, 1970 (the "Lease"), between the Port, as landlord, and Tomasa Castagnola, Andrew Castagnola, Anthony J. Ferrari and Joseph J. Borruso, dba Castagnola's Restaurant, as tenant. The Port Commission has subsequently approved amendments to the Lease. The amendments consist of a First Amendment to Lease, dated September 3, 1970, a Second Amendment to Lease, dated December 24, 1971, under which the Port approved an assignment of Lease to Castagnola, Inc., and a Third Amendment to Lease, dated April 14, 1976, under which the Port approved an assignment of Lease to Lolman Enterprises, Inc., Andrew Lolli, and Dr. Maurice Mann. Lolman Enterprises, Inc. and Andrew Lolli are the current tenants (collectively, the "Tenant"). Dr. Maurice Mann, is no longer alive. Under the Third Amendment to Lease, Andrew Lolli agreed to be personally liable for the Tenant's obligations under the Lease.

This Print Covers Calendar Item No. **9A**

According to the Tenant, due to Andrew Lolli's age and health, the Tenant has been marketing the property, and has entered into a Real Property Purchase Agreement, dated January 3, 2001, for the sale of the Lease and the business for a purchase price of $6,750,000. The purchaser is Castagnolas LLC, a California limited liability company, formed and managed by Dante Serafmi, Jerry Dal Bozzo and Andrew Froncillo. Those individuals currently own five restaurants, including The Stinking Rose in San Francisco and Beverly Hills, the Crab House at Pier 39, the Dead Fish in Crockett and Calzones in San Francisco. The assignee plans to develop the leased premises, including interior and exterior, into a full service seafood restaurant with a traditional, older San Francisco feel reminiscent of Tommaso Castagnola's old fishery, aimed at both the local and tourist markets.

Port staff has performed an investigation of the proposed buyer and has determined that the restaurant experience and financial capacity of the principals involved meet the Port's requirements for tenants in good standing. In order to consummate the sale, however, Tenant has requested the Port's consent to two consecutive assignments of the Lease. Tenant has not requested any amendments to the existing terms of the Lease.

For estate planning purposes, the Tenant has requested a first Assignment from Tenant to Lolman Associates, a California general partnership composed of Lolman Enterprises (99% ownership) and Andrew Lolli (1% ownership). Under this assignment, Lolman Enterprises, Inc. and Andrew Lolli would agree to be bound personally and to assume each and every of the covenants, conditions and terms of the Lease. Upon the effective date of this assignment, Lolman Associates would sublease the premises to Lolman Enterprises, Inc. until close of escrow of the sale to Castagnolas LLC. Under the second assignment, Lolman Associates would assign the Lease to Castagnolas, LLC.

Section 10 of the Lease provides that "Tenant shall not assign this lease or any interest therein and shall not sublet the said premises or any part thereof...without the written consent of the Port first had and obtained, which consent shall not be unreasonably withheld. ...Any such assignment or subletting without consent shall be void and shall, at the option of the Port, terminate this lease."

Because the first assignment from Tenant to Lolman Associates would not change the controlling ownership of the Tenant, such assignment would not result in a change to the restaurant ownership or impact the Port's rights or security under the Lease. Port staff recommends approval of this first assignment, subject to resolution of the two outstanding issues described in Sections I.2 and I.3 below.

Although the Port staff believes that Castagnolas, LLC, i.e., the proposed assignee under the second proposed assignment, meets the Port's criteria for credit-worthy and experienced restaurant operators, there are two issues described below which could adversely affect the financial viability of the restaurant and the Port's short term financial return under the Lease.

1. Potential Adverse Impacts on Port Revenues. The Port has entered into the Lease as a landlord, acting in its proprietary capacity, not as a regulatory authority. This means that by leasing property to a private party, the Port is acting not to regulate activities pursuant to governmental or police powers, but as a participant in the market.

Under Section 2 of the Lease, the Tenant is required to pay the Port minimum monthly rent as periodically adjusted and percentage rent, based upon 6.5% of gross receipts received from sales of food and drink and 8.5% of gross receipts from all other business transacted on the premises. To insure that the Port receives maximum economic benefit from the percentage rent, Section 6 of the Lease provides that the "Tenant shall operate to secure maximum economic return based on the uses specified."

In the past, Tenant operated Castagnola's Restaurant under a union contract with Local 2 with the restaurant employees. Although the contract expired last year, the Tenant has continued discussions with the local union regarding severance and benefits. A letter to the Port Commissioners from Tenant's attorney, Mark Montobbio, dated April 24, 2001, states that it has "offered Local 2 a settlement package in the amount of $400,000, which Local 2 refused to allow its employees to vote on. Under the circumstances, it is clear that Local 2 desires nothing but to frustrate the sale of Castagnola's Restaurant."

Based upon Mr. Montobbio's letter, as well as public testimony presented before the Port Commission at its February 13, 2001, February 27, 2001, and March 13, 2001 meetings, and subsequent correspondence provided to the Port by Tenant, the labor dispute between the local union and the Tenant remains unresolved and contested. For example, as set forth in the February 13, 2001 minutes, attached hereto for your reference as Exhibit A, labor representative Walter Johnson stated that "the San Francisco Labor Council is going to draw a line in the sand and say that this restaurant is not going to be allowed to operate non-union. [I] will guarantee, that if necessary, they will have many people to send out messages loudly and clearly that San Francisco, the City that knows how, and they know how to make sure that San Francisco knows how."

The minutes also reflects the testimony of another labor representative, Mike Casey, who stated that, as set forth in the minutes, "they will do everything it takes to protect those workers job and keep that place union. ... This union will picket, will boycott, and will demonstrate in order to make their voices heard. This is an injustice. They will not stand by and let this occur. Picketing, demonstrating and boycotting will absolutely have an adverse effect on the proprietary interest of this City."

Without resolution of this labor dispute, the potential for a strike of the new owner appears high. Such a strike could substantially reduce the economic return to the Port under the Lease. For example, during a labor union strike that affected certain Fisherman's Wharf restaurants during September through December of 1984, the gross income and Port's percentage rents for the affected restaurants declined significantly in comparison to the preceding and subsequent years. A chart showing the affect on Port income due to the strike is attached to this Memorandum as Exhibit B.

In addition to the direct effect that labor unrest could have on the Port's revenues from Castagnola's restaurant, other forms of economic actions that the labor unions could take, such as picketing, strikes, consumer boycotts or other forms of informational campaigns, could also generate negative publicity for the Port and the Fisherman's Wharf area, however temporary these actions would be. The impacts could result in reduced revenues from percentage rent

leases that the Port has with other restaurants on Port property, particularly those restaurants located within Fisherman's Wharf area that account for a significant portion of the Port's overall revenues. The impacts could be felt more generally on the overall tourist industry supporting Port property in the northern waterfront area. One way to reduce this risk would be to condition assignment upon satisfactory resolution of the labor/management conflict. Such condition would be reasonable to protect the Port's interests in the continuing success of the restaurant and the economic returns to the Port.

2. Tenant Repairs. The Port requested Tenant, as a condition of the assignment request, to perform an engineering inspection of the Premises. In early February, the Tenant provided the Port with an inspection performed by GKO & Associates, dated January 29, 2001, a copy of which is attached to this Memorandum as Exhibit C. The inspection discloses the necessity for certain structural repairs. Port staff recommends that, as a condition to the assignment, the proposed assignee expressly agree to undertake these repairs in a timely manner as a condition of the assignment. These repairs include the items set forth in the GKO report, installation of a grease separator adequate to handle the restaurant operations, and any other necessary repairs identified by Port staff in its independent review of the GKO report and site inspection. In addition, the Port has requested the Tenant to remove the enclosed garbage area on the west side of the premises and participate in the Fisherman's Wharf trash compactor program.

3. Closure of Restaurant. On March 1, 2001, the Tenant closed Castagnola's restaurant for business. Section 6 of the Lease requires the tenant to operate the premises to secure maximum economic return based on the specified restaurant uses. The Lease further provides that "[i]f Tenant fails to use the property for the purposes for which the property is leased, or in the manner set forth and such failure shall continue for a period of thirty (30) days after written notice from the Port requesting that Tenant use the property as required, and unless such failure shall be for reasons beyond the control of Tenant, then the Port at its option may terminate [the] Lease."

On March 7, 2001, the Port sent the Tenant a letter requesting that the Tenant reopen the restaurant pursuant to the Lease and asking the Tenant to provide an explanation of how it would cure the restaurant closure. On March 22, 2001, Port staff met with Tenant, who assured Port staff that the restaurant would be re-opened by April 1, 2001. Castagnola's re-opened on April 1, 2001, and continues to operate a lunch and dinner shift, 7 days a week.

III. RECOMMENDATION

A. Assignment from Lolman Enterprises, Inc. and Andrew Lolli to Lolman Associates, a California General Partnership

Port staff recommends that the assignment to Lolman Associates be approved subject to the following commercially reasonable conditions intended to secure the tenant's continued compliance with the terms of the Lease and preserve the Port's economic return from the restaurant:

Within sixty (60) days from the date of the Resolution, Tenant provides the Port with an agreement whereunder the proposed assignee, Lolman Associates, expressly agrees to

undertake, or, upon assignment to Castagnolas, LLC causes Castagnolas, LLC to undertake, within a reasonable period of time, the repairs identified in the engineering report performed by GKO & Associates, dated January 29, 2001, installation of a grease separator adequate to serve the restaurant operations, and any other repairs that are the obligation of the Tenant specifically identified by Port staff in its independent review of the GKO report and inspection of the Premises.

B. Sublease from Lolman Associates to Lolman Enterprises, Inc.

If the assignment to Lolman Associates becomes effective, subject to the conditions recommended in paragraph III.A above, Port staff recommends that the sublease to Lolman Enterprises, Inc. be approved.

C. Assignment from Lolman Associates, a California General Partnership, to Castagnolas, LLC, a California limited liability company

If the assignment to Lolman Associates becomes effective, Port staff recommends that the assignment to Castagnolas, LLC be approved conditioned upon the following two commercially reasonable conditions intended to secure the tenant's continued compliance with the terms of the Lease and preserve the Port's economic return from the restaurant:

(1) Within sixty (60) days from the date of the Resolution, Tenant provides the Port with an agreement whereunder the proposed assignee, Castagnolas, LLC, expressly agrees to undertake within a reasonable period of time, the repairs identified in the engineering report performed by GKO & Associates, dated January 29, 2001, installation of a grease separator adequate to serve the restaurant operations, and any other repairs that are the obligation of the Tenant specifically identified by Port staff in its independent review of the GKO report and inspection of the Premises.

(2) Within sixty (60) days from the date of the Resolution, Tenant provides the Port with evidence satisfactory to the Port's Executive Director in his reasonable discretion, or, at his option, in the reasonable discretion of the Port Commission at one of its noticed public meetings, that the assignment to Castagnolas, LLC will not result in economic actions taken by labor unions as a result of labor/management conflict, which actions could materially adversely affect the Port's proprietary interest in the income generated from the premises or otherwise adversely affect the Port's revenues, operations or goodwill related to the Fisherman's Wharf area and potentially affect other Port commercial properties.

Prepared by: Carol Anderson
Deputy Property Manager, Northern Waterfront

I:\castagnolas resolution.doc

EXHIBIT A

[minutes of Port Commission Feb. 13, 2001 Regular Meeting]

6. NEW BUSINESS / PUBLIC COMMENT

Mark Montobbio, Attorney for General Lolli (Castagnola's) the proprietor of Castagnola's Restaurant, indicated that the Commission is scheduled to approve/disapprove the lease assignment between Mr. Lolli and the individuals in the process of purchasing Castagnola's Restaurant. Mr. Lolli owned the restaurant for 27 years. He has been a good employer, good tenant of the Port. He has been union the entire time. During the 1984 citywide restaurant strike, Castagnola's was one of the few restaurants that did not participate. He reached agreement with Local 2. He has been a supporter of the union all these years. For the last 8 years he represented Mr. Lolli, he has subsidized his restaurant in order to keep the employees working because over the years, the restaurant revenues have declined. He's 93 years old and about to sell his restaurant. He's made provisions that some of the profits, if not all, he obtains from the sale of the restaurant go to charitable organizations in San Francisco to help the homeless and other needy people.

In 1997, he negotiated with Local 2 a collective bargaining agreement that expired in April 2000. That agreement has not been renewed. Under the terms of that agreement, it stated... "delete Section 11, successorship in its entirety." The import of that was that Mr. Lolli was free to sell his restaurant without an encumbrance on the sale that would require whoever bought the business to become a successor to whatever contract Mr. Lolli had with the union. This was negotiated in good faith and it was in effect. Mr. Lolli's obligations as a result of that contract which is now expired has been to continue to pay his employees the wages and benefits he had negotiated before, which he has, and to pay it up to the time that he vacates the restaurant which is March 1st and to bargain upon request to Local 2 for a severance package. Local 2 has made that request. He and Mr. Lolli have negotiated with Local 2. They are awaiting a proposal from him on a severance package. Mr. Lolli has agreed to come up with some type of severance package for his employees. They were not obligated to do so but Mr. Lolli insisted. He has written Local 2 to advise them of the sale at a time when they did not know precisely know when the close of escrow would occur. An employer is not obligated to do that but he felt that the employees and his long-term relationship with Local 2 was such that he wanted to keep his employees as much time and notice as possible. Mr. Lolli distributed a memorandum to all of its employees advising them who the new owners were and to contact them and to send an application. He has complied with every single legal and moral requirements with the union. He has done every single thing he is obligated to do. There is no legal basis for the Port to deny the assignment of straight lease and for Local 2 to squash the deal.

David Miles spoke about the Chelsea Piers versus Mills Corporation proposals for Piers 27-31. In his opinion, the Chelsea Piers proposal would best serve the City's interest. Their proposal has more spaces dedicated towards recreation. He urged the Commission to adopt the Chelsea Pier proposal.

Walter Johnson, Labor Council, read Father O'Donnell's statement. "Local 2 has asked that I speak with the Port Commission. Morally, the Port should deny Stinking Rose Restaurant its application to buy Castagnola's where workers have chosen Local 2 to represent them. The site, the place, the workers and customers and the work do not change with the change of ownership. It is immoral and unjust for the owner to arbitrarily and to
alter substantially the working relationship for the sole purpose of increase profit. Also for a non-union shop to purchase a union shop and de-unionize it is un-San Franciscan, un-American and unjust."

Mr. Johnson pointed out that the San Francisco Labor office strongly supports Local 2 and disagreed with Mark Montobbio on the negotiations. San Francisco is their territory. Why should somebody come in from another area, Stinking Rose Restaurant, and say they are going to get the restaurant. Unfortunately, the members will suffer. The City of San Francisco, the owner of the land, has the responsibility to make sure that the humanistic rules in the City are followed. The San Francisco Labor Council is going to draw a line in the sand and say that this restaurant is not going to be allowed to operate non-union. He will guarantee, that if necessary, they will have many people to send out messages loudly and clearly that San Francisco, the City that knows how, and they know how to make sure that San Francisco knows how.

Shirley Buckingham, a 4-year employee of Castagnola's, indicated that she has done everything to help the restaurant. Working there with the union is a good thing for her because of the benefits. Her son has asthma and they need the union because the benefits are good and important to them. Without that, they will be in trouble. They work hard for Mr. Lolli. He cares for the workers and for the homeless.

Han Minh, a 10-year employee of Castagnola's, indicated that she never called-in sick and worked hard for Mr. Lolli. She supports a son in college, a 21-month old baby and her parents. She needs a union job because of the benefits they offer. There are other employees at Castagnola's whose been there for 20-30 years. If the restaurant is sold, they would be in trouble.

Po Mak, interpreted by Ms. Minh, a 22-year employee at Castagnola's as a night porter, indicated that when he started with Castagnola's they were already union and they love having the union. He depends on the union job to support his wife and 4 kids. He worked at Castagnola's almost half of his life; he is old and cannot find any job because nobody wants him because he cannot speak English. He does not know what he will do if he loses this job. When he came to United States, he devoted his life at Castagnola. He worked hard, he never called in sick and he never complained. Now that his younger years are over, he does not know what he's going to do since nobody will hire him. He needs the union benefits because he and his wife are getting older. Without the benefits, they cannot survive. His wife is very sick and needs the union benefits.

Ernestine Weiss spoke about the underground garage. The developer at first said that he would spent any amount of money to put a garage underground at Block 202. The owners have put upon the City to build the garage. The Board of Supervisors will never pass that. Downtown has a lot of transit and the Port should discourage any more cars in this area.

Jim McCormick, staff person at Local 2 who negotiated the contract for Castagnola's in 1997, responded to Mr. Montobbio's remarks about the successorship agreement. At the time, it was a difficult negotiation. Mr. Montobbio asked to remove that section of successorship from the contract. They all knew that the language was not enforceable. Based on that not being enforceable and in order to settle the contract that was difficult to settle, they agreed to remove that section of the contract. They intended to introduce an enforceable successorship agreement in the following negotiations of 2000. They introduced an enforceable successorship section for the contract. When they negotiated out the successorship section, they were told that they had no intent to sell the restaurant.

Mike Casey indicated that there is a cook at Castagnola's who's been there for 30 years. He won't have medical benefits if this place is sold and the workers are out on the street. He is 61 years old. There is a waiter who's been there for 23 years; he's 52 years old. He has 4 kids; he's not going to have medical benefits. He has a mortgage of $1300 a month. There's a waiter who's been there for 22 years; he will also not have medical benefits. There are dishwashers, one's been there 23 years. He's 55 years old. He won't have medical benefits. His monthly rent is $1,000. They did a survey of the workers at Castagnola's and Local 2, whether they are fighting a company like Marriott for 900 workers and the right to organize and for Castagnola's, a restaurant of 35 workers, they will do everything it takes to protect those workers job and keep that place union. The statistics shows that over 50% of the workers have more than 10 years seniority. Half of them have dependent children. 87% of them are primary breadwinners. 90% will be without health benefits if a new operator comes in and throws these workers out. There's a lot of good reasons to do the right thing. These workers are the real reason. He wanted to be clear that he knows that the Commission can't and won't make those decisions because it's only the right thing to do by these workers. The Commission has the proprietary interest of this Port and this City at stake. This union will picket, will boycott, and will demonstrate in order to make their voices heard. This is an injustice. They will not stand by and let this occur. The effect of the 1984 strike had a devastating effect in terms of revenue in this City in the three months between September and November of 1984, Scoma's rent dropped $40,000. Grotto 9 lost in excess of $20,000. When they struck the Mark Hopkins hotel in 1994, that hotel lost $9 million. Picketing, demonstrating and boycotting will absolutely have an adverse effect on the proprietary interest of this City. Under "Boston Harbor Decision" Mike Casey stated that the Port does have legal recourse. He argued that the Port has a fiduciary responsibility to act in the interest of this City. The boycott and the demonstration will cost the City hundreds of thousands over time. They have spent four years at the Marriott. They are not a union that will go away. He indicated that he has copies of a memo that was sent from their lawyer to the Port's lawyer stating how the

Port can legally intervene. The Port has the right under the Boston Harbor Decision in order to protect the City's interest. Over the last couple of months, this agency has threatened to declare eminent domain at the World Trade Club. As of this date, 125 workers at the World Trade Club do not have any guaranteed jobs. At the end of this month, they are out of the building and out on the streets. If Castagnola's closes, another 35 employees are out on the street; a total of 160 people that this agency would have been responsible for having put out on the streets. He asked the Commission to not participate in the union busting; protect the City's proprietary interest and asked the Commission to not just act in the interest of the workers but on their interest and make sure that the Port does not lose all the revenues as a result of the demonstrations.

EXHIBIT B

Restaurant Sales and Rent Data
September-December for Years 1982 to 1986

Restaurant	1982	1983	1984*	1985	1986
			Revenue to Port		
Fisherman's Grotto #9	$89,000	$94,000	$77,000	$109,000	$116,000
Franciscan	46,000	49,000	46,000	51,000	54,000
Pompeii's Grotto	17,000	16,000	15,000	21,000	21,000
Scoma's	130,000	150,000	108,000	173,000	177,000
Tarantino's	37,000	40,000	32,000	48,000	45,000
Total Rent (Sept-Dec)	$319,000	$349,000	$278,000	$402,000	$413,000
			Gross Sales		
Fisherman's Grotto #9	$1,694,000	$1,800,000	$1,471,000	$2,081,000	$2,218,000
Franciscan	831,000	886,000	831,000	904,000	968,000
Pompeii's Grotto	326,000	306,000	193,000	228,000	323,000
Scoma's	2,413,000	2,779,000	2,003,000	3,220,000	3,270,000
Tarantino's	703,000	765,000	606,000	905,000	848,000
Total Gross Sales (Sept - Dec)	$5,967,000	$6,536,000	$5,104,000	$7,338,000	$7,627,000

* General restaurant workers' strike occurred September through December 1984.

GKO & ASSOCIATES

EXHIBIT C

Consulting Engineers

January 28, 2001
01-411-A

Mr. Dante Serafini
The Stinking Rose
420 Columbus Avenue
San Francisco, CA 94133

Subject: Visual Condition Survey of Castagnola's Restaurant
Fisherman's Wharf
San Francisco, California

Dear Mr. Serafini:

GKO & Associates has completed a visual condition survey of Castagnola's Restaurant at Fisherman's Wharf, San Francisco, California. On January 12 of this year, an under pier visual inspection of pilings was performed by Power Engineering. A copy of the report by Power Engineering is attached to this letter. On January 28, a follow-up field survey was conducted by *GKO*.

Existing Piling System

In general, Power Engineering found the existing timber piles to be in good condition. Damage was primarily confined to unwrapped fender piles and to the wrapping of random timber piles under the premises. The fender piles exhibited a reduced cross-section as a result of not being properly wrapped.

Two parallel concrete seawalls border the western boundary of the facility, apparently supporting the sidewalk structure above. The actual location of the property line was not established at the time of the surveys. The extreme west seawall spans from beneath sea level to the sidewalk level. The adjacent seawall is not a full height wall and appears to be monolithically cast with a series of nine (9) square concrete columns supporting a continuous concrete beam above. Each square concrete column appeared to be cracked at approximately half its height above mean sea level. Corrosion was observed at these cracks, which also appeared to be full depth of the column.

Timber Pier System

The timber pier system appeared to be in good condition. Lateral timber bracing members were observed to be removed in a couple of locations, and a few of the bracing members were seen to be rotting where the bottom connection was exposed to the tidal zone.

The remainder of the building superstructure appeared to be in good condition.

Underpier Utility System

The underpier utility system was observed to be composed of water supply, storm drain, sanitary sewer and steam lines. It was apparent that a significant amount of work has been performed recently on the sanitary sewer system in particular as many new fittings and pipe clamps were observed. Much of the piping appeared to be recently wrapped as well.

124 Beale Street, 3rd floor, San Francisco, CA 94105 ■ 415.957.8795 ■ 415.957.0332 fax ■ email: gkosf@aol.com
CIVIL ■ STRUCTURAL ■ MARINE ■ ENVIRONMENTAL ■ CONSTRUCTION MANAGEMENT
180 Grand Avenue, Suite 225, Oakland, CA 94612 ■ 505 Ward Avenue, Suite 204, Honolulu, HI 96814

Transient leaks at three (3) P-traps were observed. It was not readily apparent if the leaks came from damaged piping, fittings or because of a breach of the piping seal through the floor level.

Other than the transient leaks at the three (3) P-traps the piping systems appeared to be in a serviceable condition. The pipe support system also appeared to be in good condition.

Recommendations

1. The transient leaks at the three (3) P-traps must be examined and suitable repairs made. A pressure test of all underpier piping is recommended.

2. Timber piling bracing that has been removed should be replaced in kind. A structural analysis of the lateral force resisting system (bracing and pier-to-pile connections) should be performed by a qualified engineer registered in the State of California.

3. The bottom connections of timber bracing that have rotted due to exposure should be repaired. This may be accomplished by sawcutting off the damaged portions and providing new connecting hardware to the existing timber pilings. This repair work must be designed by a qualified engineer registered in the State of California.

4. All damaged pile wraps should be repaired and banding replaced as necessary.

5. The square concrete columns on the west sea wall that were observed to be cracked need to be repaired. Repair may be accomplished by epoxy injection of the cracks, steel strengthening or concrete encasement. This repair work must be designed by a qualified engineer registered in the State of California.

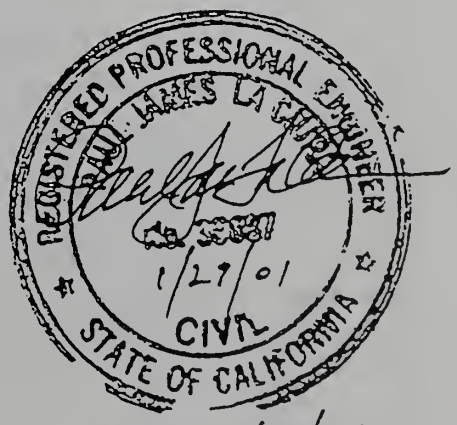
Thank you for the opportunity to assist you on this important project. Please call with any questions.

Very truly yours,

GKO & Associates

Paul LaCiura, P.E.
California Civil Engineer C39687
Manager, San Francisco

PJL:eu
attachments



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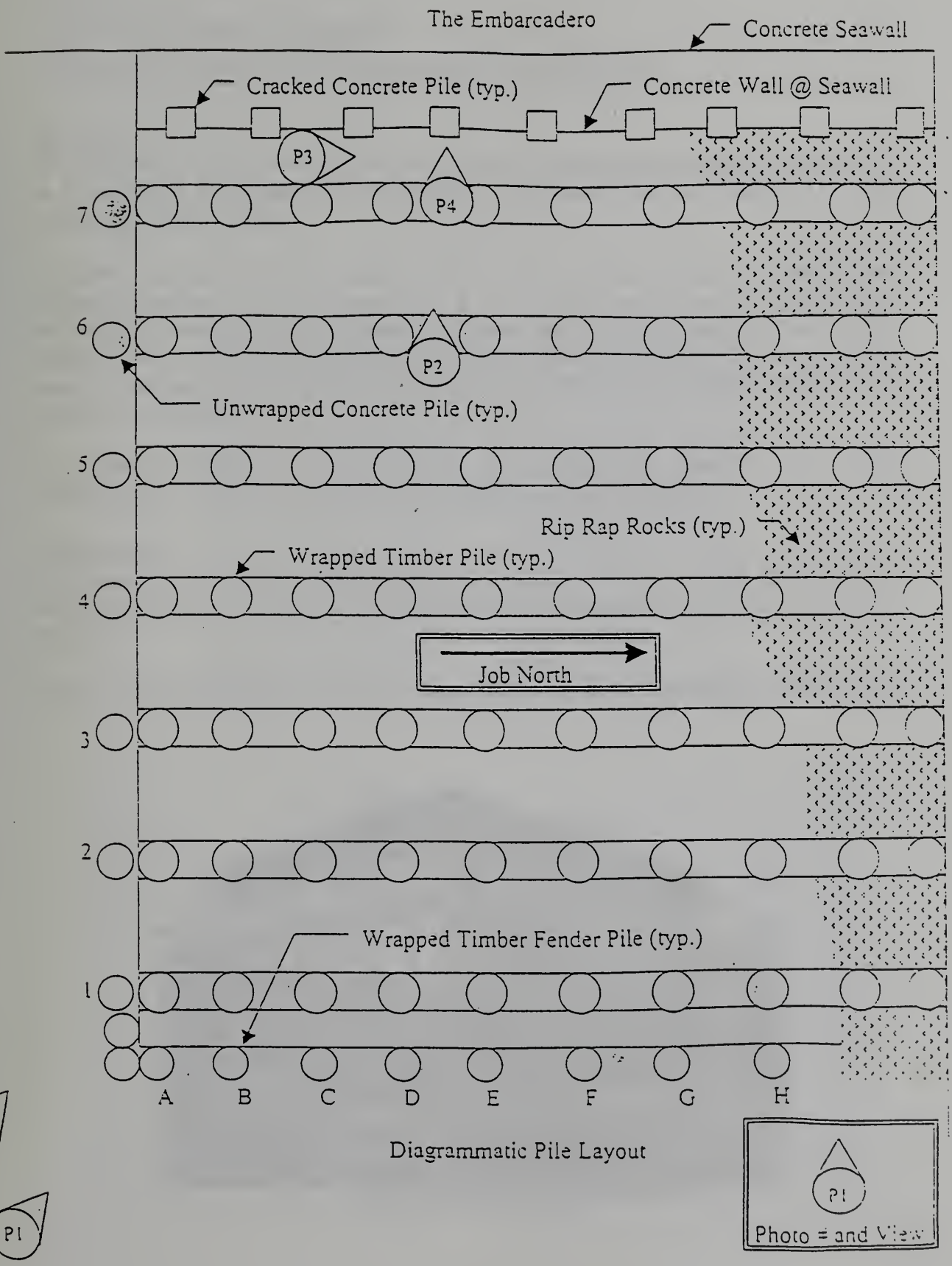


Diagrammatic Pile Layout

Report
Under Pier Visual Investigation
Castagnola's Restaurant Pile Inspection, San Francisco

Synopsis

On 12 January 2001 Power Engineering conducted an investigation of the pile condition at Castagnola's Restaurant in San Francisco. The inspection took place between the hours of 0730 and 1100 hrs.

In general, the existing piles visually appear to be in good condition. Damage was primarily confined to the concrete piles at the seawall area on the west end of the building, the unwrapped timber fender piles on the east end of the building, and random timber piles wraps under the building. Damage consisted of cracks to the concrete piles, reduced cross-section to the timber fender piles, and torn wraps or broken bands on the timber piles wraps.

Our diver conducted a visual inspection and sounded for damage with a small sledgehammer. We did not open any pile wraps for a visual inspection.

Investigation

We started our inspection at 0730 hrs on 12 January 2001. Investigators included Matthew Valbusa, Vince Elkaim and Kelly Blythe. High tide was plus 6.6 at 1309hrs that day.

General observations were made from a small boat. Our diver inspected individual piles.

Photo 1 – Job Overview

Observations

1. At 0900 hrs the water depth underneath the center of the building was approximately 4 to 5 feet deep. This corresponds to roughly 4.5 feet on the MLLW tide table.

2. There is no apparent damage to the soffit of the building.

3. Parallel to the Embarcadero there is a concrete seawall, with a concrete deck overhead, spanning to a shorter wall with concrete stub piles (photos 2, 3 & 4). These approximately nine piles are cracked and leaning towards the Embarcadero at the top of the wall. The wood framing of the building soffit frames into a concrete beam on top of these concrete piles (photo 3).

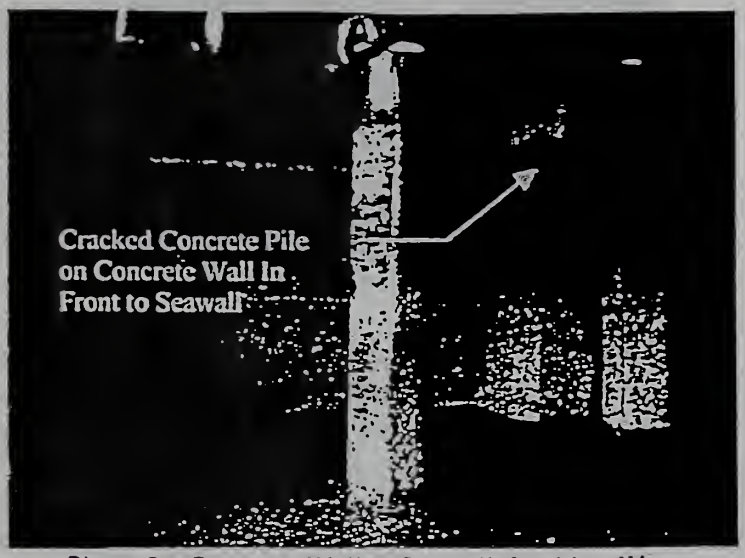


Photo 2 - Concrete Wall at Seawall, Looking West

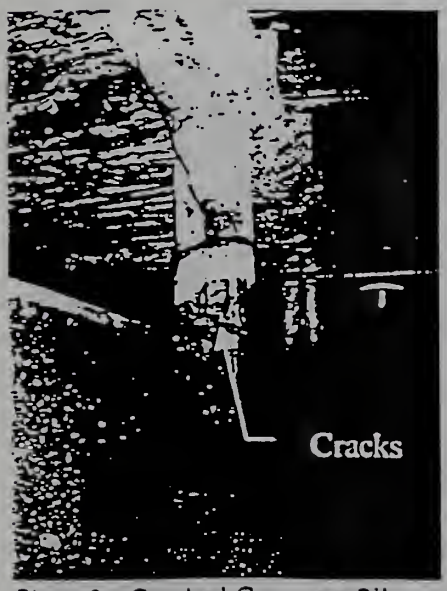


Photo 3 - Cracked Concrete Pile on Concrete Wall at Seawall, Looking North

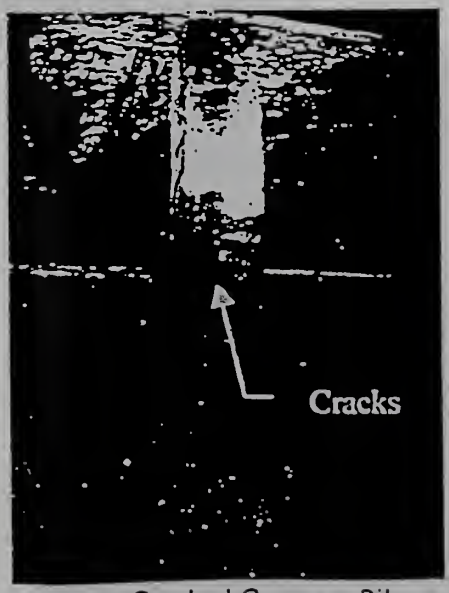


Photo 4 - Cracked Concrete Pile on Concrete Wall at Seawall, Looking West

4. We observed all timber fender piles. They appear to be approx. 14" diameter piles. Fender piles on the east side of the building are wrapped. Fender piles on the south side are not wrapped (photo 5). The unwrapped fender piles exhibit the same damage: one to two feet above mud line they neck down to approx 6-8 inches in diameter.

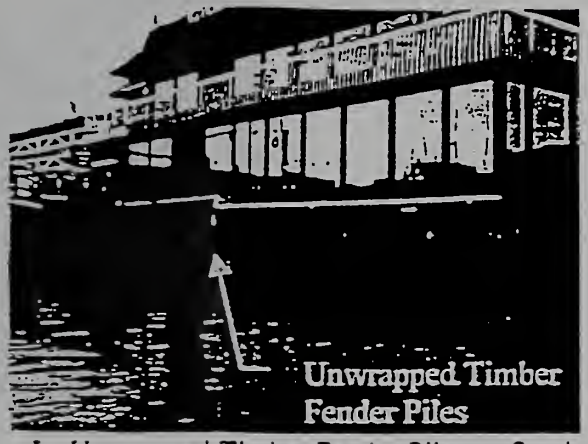


Photo 5 - Unwrapped Timber Fender Piles on South Side

5. The first eight rows of piles from south to north under the building were inspected. The piles are timber piles covered with a black plastic wrap. The remaining piles to the north (lines nine and ten) are in the rip rap rock under the building and were not inspected. Overall, the piles appeared in sound condition. The typical pile (photo6) had a sound wrap with no cuts or nicks, with a stainless steel band at the top. The bag extended down to or below the mud line. Of the roughly sixty wrapped piles inspected. seven were observed to have damage to the protective wrapping. The damage was typically missing bands (photo 7) or torn bags (photo 8).

Photo 6 - Typical Wrapped Pile

Photo 7 - Typical Broken Pile Wrap Band

Photo 8 - Typical Torn Pile Wrap

6. There is one set of diagonal braces that have been cut loose from the piles (photo 9).

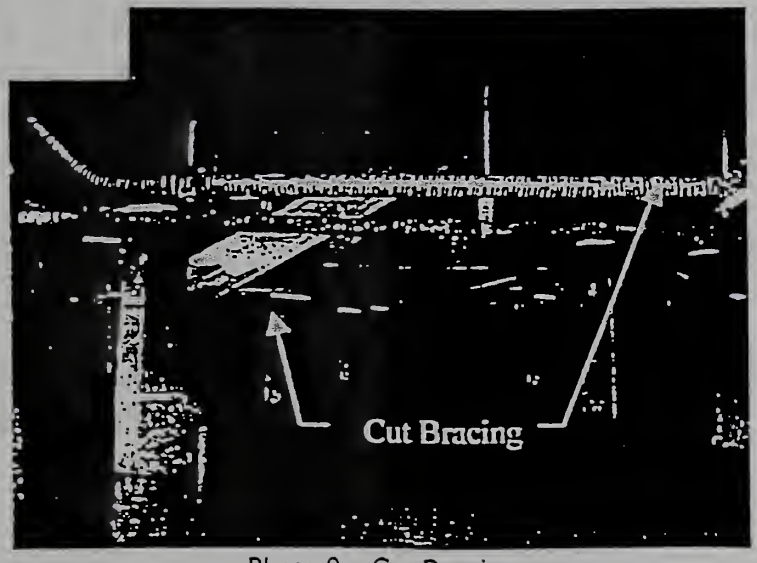


Photo 9 – Cut Bracing

7. Some timber braces are rotting where they are submerged in the tidal zone (photo 10).

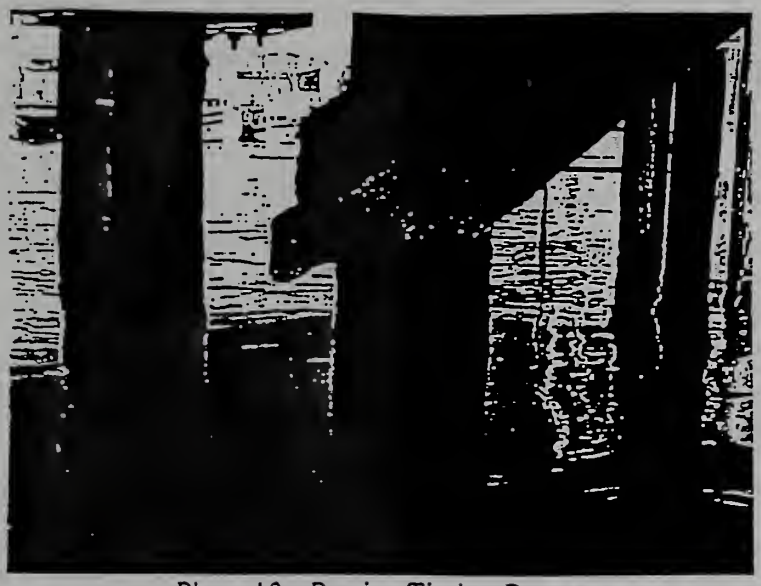


Photo 10 - Rotting Timber Braces

Testing

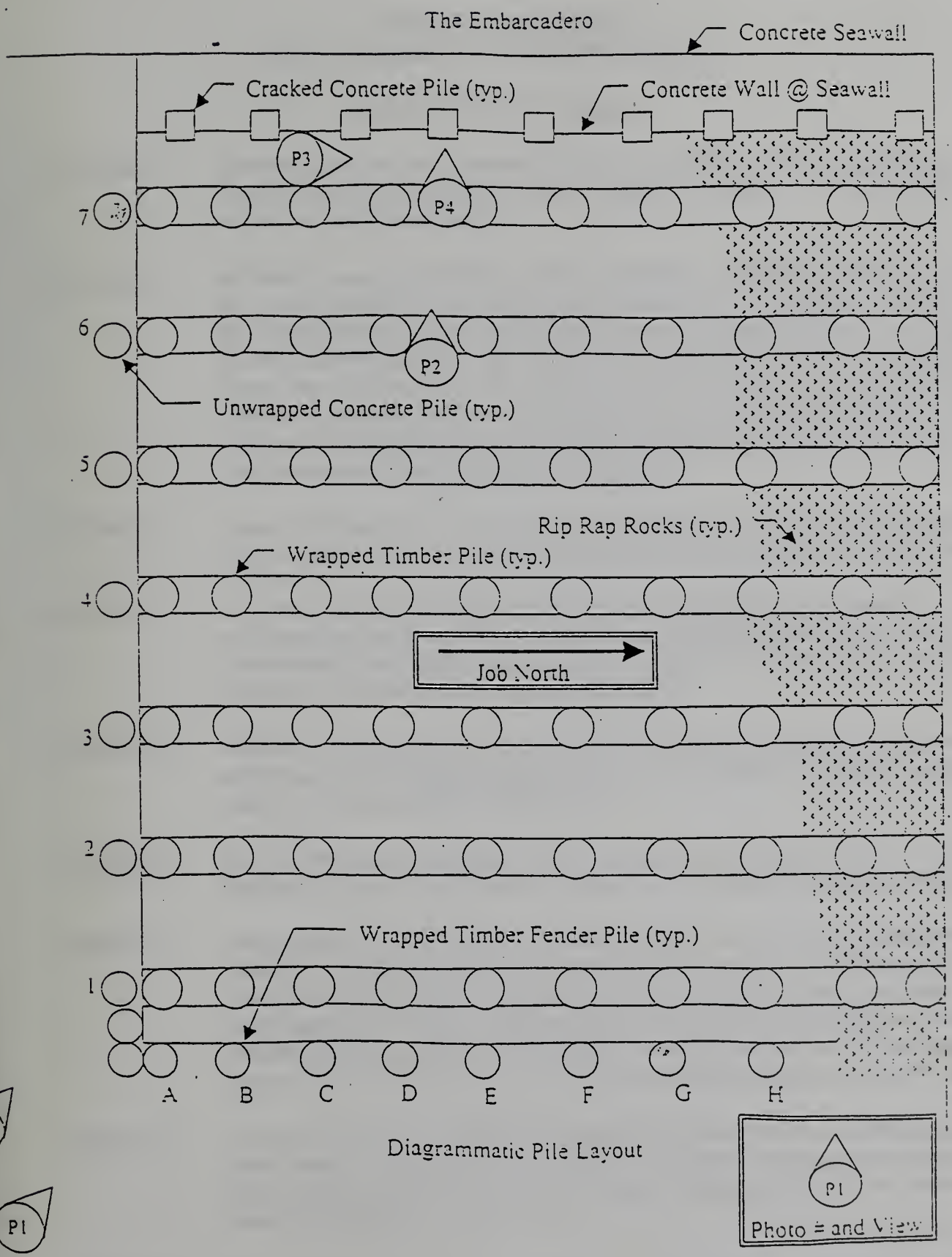
Our original directions were to remove the pile wrap from three or four piles to visually inspect the piles. However, the wraps were generally in good shape. We spoke with the engineer (Paul La Ciura at GKO) and proposed to sound the piles with a hammer to test sound-ness rather than open up what appeared to be perfectly good pile wraps. We were directed to proceed with the non-destructive sounding of the piles and to expand our testing to as many piles as was practical.

Summary:

The concrete piles along the wall next to the seawall are all cracked and leaning to the west.

Damage of the timber piles appeared to be confined to timber fender piles that were not wrapped. Damage to pile wraps is minor but should be addressed.

Wrapped piles were visually inspected and appeared sound when struck with the hammer.



Diagrammatic Pile Layout

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-35

WHEREAS, Charter Section B3.581 empowers the Port Commission with the authority and duty to use, conduct, operate, maintain, manage, regulate and control the lands within Port jurisdiction; and

WHEREAS, the Port is a party to Lease No. L-7493, dated May 1, 1970 (the "Lease"), between the Port, as landlord, and Tomasa Castagnola, Andrew Castagnola, Anthony J. Ferrari and Joseph J. Borruso, dba Castangola's Restaurant, as tenant, as amended by a First Amendment to Lease, dated September 3, 1970, a Second Amendment to Lease, dated December 24, 1971, under which the Port approved an assignment of Lease to Castagnola, Inc., and a Third Amendment to Lease, dated April 14, 1976, under which the Port approved an assignment of Lease to Lolman Enterprises, Inc., Andrew Lolli, and Dr. Maurice Mann; and

WHEREAS, Lolman Enterprises, Inc. and Andrew Lolli are the current tenants (collectively, the "Tenant") and are personally liable for the obligations under the Lease; and

WHEREAS, the Tenant has requested the Port Commission to approve two consecutive assignments of the Lease as more fully described in the Memorandum to Port Commission, dated May 15, 2001, a copy of which is on file with the Secretary of the Port Commission for this calendar item; and

WHEREAS, Section 10 of the Lease provides that the Tenant shall not assign the Lease or sublet the Premises without the prior written consent of the Port, which consent shall not be unreasonably withheld; and

WHEREAS, the Port, as an enterprise department of the City, has entered into the Lease as a landlord, acting in its proprietary capacity, not as a regulatory authority; and

WHEREAS, under Section 2 of the Lease, the Tenant is required to pay the Port minimum monthly rent as periodically adjusted plus 6.5% of gross receipts received by the Tenant from all food and drink sales and 8.5% of all other business and sales transacted on the premises, and to insure that the Port receives maximum economic benefit under the Lease, Section 6 of the Lease provides that the "Tenant shall operate to secure maximum economic return based on the uses specified"; and

WHEREAS, in order to protect its interest in maximizing revenues from the restaurant, the Port must consider all factors that would affect the ability of the proposed assignee to continuously operate the restaurant without interruption and to maximize the economic benefits to the Port; and

WHEREAS, in reviewing the assignment to protect the Port's economic interests, Port staff has examined the net worth, experience and business plan of the proposed buyer and

has determined that, for the reasons set forth in the May 15, 2001 Memorandum, the restaurant experience and financial capacity of the principals involved meet the Port's standards for restaurant tenants to assure continued financial performance and viability; and

WHEREAS, although the Port staff believes that the proposed assignee meets the Port's criteria for credit-worthy and experienced restaurant operators, the Port has received extensive public testimony from organized labor and the restaurant employees at the Port Commission meetings of February 13, 2001 and February 27, 2001, as more particularly set forth in the approved minutes for those meetings, copies of which are on file with the Port Commission Secretary, placing the Port Commission on notice that the approval of the assignment will likely result in picketing, labor demonstrations, and other campaigns aimed at the labor practices of the proposed assignee; and

WHEREAS, such labor conflicts could potentially result in disruptions of the restaurant operations and, reduced business that would reduce the Port's percentage rent payments from Castagnola's restaurant; and

WHEREAS, the Port experienced the effects of labor unrest during a period in 1984 that targeted Port restaurant tenants in the Fisherman's Wharf area, where the Port saw reductions in its percentage rent revenues of approximately 20-30% overall when compared to prior and subsequent years, as further described in Exhibit B to the May 15, 2001 Memorandum on file with the Secretary of the Port Commission for this calendar item; and

WHEREAS, the area in which the premises is located, known as Fisherman's Wharf, is a world-renowned tourist attraction, and is acknowledged as such in Section 7 of the Lease that requires the Tenant and Port to maintain the character of the area to continue it as such; and

WHEREAS, in addition to the direct effect that labor unrest could have on the Port's revenues from Castagnola's restaurant, the potential picketing, strikes, consumer boycotts or other forms of corporate campaigns that might be waged against the proposed assignee could also generate negative publicity for the Port and the Fisherman's Wharf area, and result in reduced revenues attributable to other percentage rent leases that the Port has with other restaurants located on Port property, particularly those restaurants located within Fisherman's Wharf area that account for a significant portion of the Port's overall revenues, as well as the overall tourist industry supporting Port property in the northern waterfront area; and

WHEREAS, in view of these concerns, the Port, deems it necessary to proceed with the assignment with great caution in order to protect its proprietary interests in the Castagnola's property as well as protecting the Port's good will that attracts millions of tourists, and local and regional residents to the Fisherman's Wharf area; and

WHEREAS, conditions placed upon the assignment to Castagnola's Restaurant by this resolution are not intended to favor any particular outcome in the determination of employer preference regarding union representation, nor to skew the procedures in such a determination to favor or hinder any party to such a determination, nor is this resolution intended to enact or express any generally applicable policy regarding labor/management relations, or to regulate those relations in any way, but is intended only to protect the Port's proprietary interest in these prescribed circumstances where the Port's interest are at risk by labor/management conflict; and

WHEREAS, Sections 7 and 21 of the Lease requires the Tenant to perform repairs of the premises and substructure to keep the premises in good condition and repair; and

WHEREAS, in order to determine the present condition of the premises, the Port requested the Tenant to obtain an engineering inspection of the Premises; and

WHEREAS, the inspection performed by GKO & Associates, dated January 29, 2001, a copy of which is on file with the Port Commission Secretary in the file for this item, has disclosed the necessity for certain structural and other repairs that must be completed, and Port staff has recommended that, as a condition to the assignment, the proposed assignee expressly agree to undertake the Lease obligations for these repairs in a timely manner; and

WHEREAS it is reasonable for the Port to protect its interest in the Lease revenues and the physical condition of the leased premises by not approving the assignment until it is assured that (1) the labor/management conflict has been resolved, and (2) the proposed assignees have agreed to perform certain identified repairs to the restaurant; now, therefore, be it

RESOLVED, that the Port Commission hereby approves the assignment from Lolman Enterprises, Inc. and Andrew Lolli to Lolman Associates, a California General Partnership, and authorizes the Executive Director to execute a consent to assignment and any such further documents necessary to implement the assignment, provided, however, that such approval shall not be effective unless and until Tenant has satisfied the following condition:

Within thirty (30) days from the date of this Resolution, Tenant provides the Port with an agreement whereunder the proposed assignee, Lolman Associates, expressly agrees to undertake, or, upon assignment to Castagnolas, LLC causes Castagnolas, LLC to undertake, within a reasonable period of time, the repairs identified in the engineering report performed by GKO & Associates, dated January 29, 2001, installation of a grease separator adequate to serve the restaurant operations, and any other repairs that are the obligation of the Tenant specifically identified by Port staff in its independent review of the GKO report and inspection of the Premises.

RESOLVED, that if the assignment to Lolman Associates becomes effective by satisfaction of the foregoing conditions, the Port Commission also approves a sublease of the leased premises from Lolman Associates to Lolman Enterprises, Inc. in such form satisfactory to the Executive Director or his designee in consultation with the City Attorney; and be it further

RESOLVED, that if the assignment to Lolman Associates becomes effective by satisfaction of the foregoing conditions, the Port Commission hereby approves the subsequent assignment from Lolman Associates to Castagnolas, LLC, and authorizes the Executive Director to execute a consent to assignment and any such further documents necessary to implement the assignment provided, however, that such approval shall not be effective unless and until Tenant has satisfied all of the following conditions:

(1) Within sixty (60) days from the date of the Resolution, Tenant provides the Port with an agreement whereunder the proposed assignee, Castagnolas, LLC, expressly agrees to undertake within a reasonable period of time, the repairs identified in the engineering report performed by GKO & Associates, dated January 29, 2001, installation of a grease separator adequate to serve the restaurant operations, and any other repairs that are the obligation of the Tenant specifically identified by Port staff in its independent review of the GKO report and inspection of the Premises.

(2) Within sixty (60) days from the date of the Resolution, Tenant provides the Port with evidence satisfactory to the Port's Executive Director in his reasonable discretion, or, at his option, in the reasonable discretion of the Port Commission at one of its noticed public meetings, that the assignment to Castagnolas, LLC will not result in economic actions taken by labor unions as a result of labor/management conflict, which actions could materially adversely affect the Port's proprietary interest in the income generated from the premises or otherwise adversely affect the Port's revenues, operations or goodwill related to the Fisherman's Wharf area and potentially affect other Port commercial properties; and be it further

RESOLVED, that the San Francisco Port Commission hereby authorizes the Port's Executive Director to take such further action as is necessary to implement the intent of this Resolution, including reasonably extending time periods for performance if deemed in the best interests of the Port, so long as such actions do not materially increase the liability or obligations of the Port.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 22, 2001.

_____

Secretary

PORT OF SAN FRANCISCO

MEMORANDUM

May 16, 2001

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Brian McWilliams, Vice President
Hon. Denise McCarthy, Commissioner
Hon. Michael Hardeman, Commissioner
Hon. Pius Lee, Commissioner

FROM: Douglas F. Wong
Executive Director

SUBJECT: Adoption of Findings under the California Environmental Quality Act and Approval of three (3) Memoranda of Understanding between the Port and the Public Transportation Commission (MUNI) for right-of-way in the northern half of Third Street Light Rail Project Alignment that will authorize (1) a transit power substation on Port property in the Mission Bay South development; (2) ductbanks under Mission Creek near the Fourth Street Bridge; and (3) ductbanks under Islais Creek near the Islais Creek Bridge.

DIRECTOR'S RECOMMENDATION: APPROVE RESOLUTIONS

Background

MUNI is presently undertaking planning and development of the Third Street Light Rail System, which will extend light rail service along the Third Street Corridor across the Peter R. Maloney (Fourth Street) Bridge to Bay View/Hunters Point. The Third Street Light Rail will significantly benefit the Port by providing improved public transportation and access to Port property located in the Southern Waterfront area, including the Mission Bay open space located within Port jurisdiction, the Port's opportunity area at Pier 70, the Port's marine terminals at Pier 80 and 94-96, and Port open space at Islais Creek and Heron's Head Park.

An essential component of the Third Street Light Rail System is the MUNI Ductbank crossings at Mission and Islais Creeks and an electrical substation located along Illinois Street which will serve the light rail cars along the Third Street Light Rail line. The Port and MUNI have identified appropriate sites for each of these needs as shown on the attached exhibits.

THIS PRINT COVERS CALENDAR ITEM NO. **9B**

Port staff has negotiated the terms and conditions for MUNI's proposed use of the property. These terms have been incorporated into three separate Memoranda of Understanding (MOU), which are on file with the Commission Secretary.

The basic terms and conditions of each MOU are discussed below:

(1) The Mission Bay (Illinois Street) Substation MOU authorizes Muni to construct a substation at a site on Illinois between 16th and Mariposa that is located in Port jurisdiction. The substation site and surrounding property known as Mission Bay Parcel 24 ("P24") will be managed by the Redevelopment Agency when Catellus develops P24 as open space. The Port authorization is for 66 years since the parcel is on State Lands Trust property. Under the terms of the MOU, Muni will lease the substation site from the Port for $5,000 per year until the Redevelopment Agency and Catellus are ready to develop P24 as open space. When that occurs, the rent will be reduced to $1 per year under the terms of the 45-year Mission Bay Development Agreement for P-24.
(2) The Mission Creek Ductbanks MOU authorizes Muni to construct power and communications ductbanks under Mission Creek at two locations west of the Fourth Street Bridge. The Port reserves the right to receive revenue from any commercial uses which may utilize the ductbanks.
(3) The Islais Creek Ductbanks MOU authorizes Muni to construct power and communications ductbanks under Islais Creek east of the Islais Creek Bridge. The Port reserves the right to receive revenue from any commercial uses which may utilize the ductbanks.

All right-of-way required for Third Street Light Rail Project has been analyzed in the Final Environment Impact Statement/Environmental Impact Report ("FEIS/EIR"). Project changes have been documented in the EIS/EIR Addendum, on file at the Planning Department (File No. 1996.281E) and with the Port Commission Secretary. No new significant impacts have been identified.

Environmental Review under California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA")

MUNI has applied for and received all environmental clearances from the City and County of San Francisco Planning Department, Office of Environmental Review (OER). The Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) was published on November 16, 1998. On December 3, 1998, the San Francisco Planning Commission certified the Final EIR in Motion No. 14742 finding in its independent judgement, that the Final EIS/EIR was objective, complete and in compliance with CEQA. In addition, OER issued a document titled "Third Street Light Rail Project CEQA/NEPA Reevaluation" dated February 21, 2001. The Port Commission approved the Final EIS/EIR and the Addendum at its February 27, 2001 meeting.

The Port Commission is being asked to authorize the Executive Director to execute the attached MOU's with MUNI, and to adopt certain findings under the California Environmental Quality Act with regard to the Final EIS/EIR, and authorize staff to proceed with the process of vacating a portion of Third Street located between Mission Rock Street and Terry Francois Boulevard.

Prepared by: Phil Williamson, Senior Property Manager

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-40 (Substation Site)

WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control Port area of the City and County of San Francisco; and

WHEREAS, MUNI is presently undertaking planning and development of the Third Street Light Rail System, which will extend light rail service along the Third Street Corridor across the Peter R. Maloney (Fourth Street) Bridge to Bay View/Hunters Point. The Third Street Light Rail will significantly benefit the Port by providing improved public transportation and access to Port property located in the Southern Waterfront area, including the Mission Bay open space located within Port jurisdiction, the Port's opportunity area at Pier 70, the Port's marine terminals at Pier 80 and 94-96, and Port open space at Islais Creek and Heron's Head Park; and

WHEREAS, Muni requires authorization from the Port to construct a transit power substation on Port property on Illinois Street between 16th and Mariposa Streets for the Third Street Light Rail Project; and

WHEREAS, The substation site is located in Port jurisdiction, but will be managed by the Redevelopment Agency when Catellus develops the surrounding Mission Bay South Parcel 24 (P24) as open space; and

WHEREAS, The Port, the Redevelopment Agency and Muni have negotiated a memorandum of understanding authorizing Muni to construct the transit power substation on the property ("the Substation MOU"); and

WHEREAS, According to the terms of the Mission Bay (Illinois Street) Substation MOU the site will be leased from the Port for 66 years; and

WHEREAS, Muni will lease the parcel for $5,000 per year (prorated to $23,149.48 net present value for a lump sum payment over a five-year term) until the Redevelopment Agency manages P24 open space;

WHEREAS, When the Redevelopment Agency takes over P24, the rent will be reduced to $1 per year for Muni and the Redevelopment Agency under the terms of the 45-year Mission Bay Development Agreement for P-24; and

WHEREAS, If P24 ceases to be open space, then Muni would resume the $5,000 annual lease payments to the Port (in escalated dollars); and

WHERAS, Under the terms of the MOU, Muni has also agreed to contribute $100,000 to the Redevelopment Agency toward future substation/open space enhancements such as re-cladding the substation façade and providing a public restroom; and

WHEREAS, These funds will not be needed for approximately 10 years when P24 is developed as Open Space.

WHEREAS, In Resolution 01-15, dated February 27, 2001, pusuant to the California Environmental Quality Act ("CEQA "), this Commission reviewed and considered the Final Environmental Impact Statement/Environmental Impact Report ("FEIS/EIR"), and in exercising its independent judgment, found the FEIS/EIR's analysis and conclusions regarding transportation and environmental effects, alternatives and cumulative conditions, to be objective, complete and in compliance with CEQA and the CEQA Guidelines. The FEIS/EIR and this Commission's findings are on file with the Commission Secretary and

WHEREAS, Subsequent to adoption of the CEQA findings, the substation was relocated from the 16th Street site identified in the FEIS/EIR to Illinois Street between 16th and Mariposa Streets; and

WHEREAS, The new location better conforms with Mission Bay view corridors and avoids areas of free product (petroleum plumes); and

WHEREAS, The relocation is documented in an Addendum to the FEIS/EIR on file with the Port Commission Secretary; now, therefore, be it,

RESOLVED, That this Commission hereby incorporates herein by reference thereto the CEQA findings made by the Port in its Resolution No. 01-15 on file with the Port Commission Secretary and hereby finds, on the basis of substantial evidence, and in light of the whole record, including the Addendum to the FEIS/EIR, that (1) modifications incorporated into the project will not require important revisions to the FEIS/EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the project will be undertaken which would require major revisions to the FEIS/EIR due to the involvement of new environmental effects, or a substantial increase in the severity of effects identified in the FEIS/EIR; and (3) no new information of substantial importance to the project has become available which would indicate (a) the project has significant effects not discussed in the FEIS/EIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIS/EIR would substantially reduce one or more significant effects on the environment; and, be it further

RESOLVED, that the San Francisco Port Commission, hereby approves the Memorandum of Understanding upon the terms and conditions set forth in the Memorandum of Agenda Item 9B for the May 22, 2001 Port Commission meeting, and authorizes the Executive Director to execute the Memorandum of Understanding in such final form as is approved by the City Attorney; and be it further

RESOLVED, that the Port Commission authorizes the Executive Director, in consultation with the City Attorney, to take all such further action, including executing further documents or assurances necessary to implement the intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 22, 2001.

_____
Secretary

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (herein "MOU") dated hereof for reference purposes only as of _____, 2001, is entered into by and between the Municipal Transportation Agency, an agency of the City and County of San Francisco ("Muni"), the Redevelopment Agency of the City and County of San Francisco, a public body, corporate and politic of the State of California (the "Agency") and the San Francisco Port Commission, an agency of the City and County of San Francisco ("Port").

RECITALS

A. Under the Burton Act (Stats. 1968 Ch. 1333), the State of California transferred to the City and County of San Francisco, to be held by the Port, certain property including an approximately 2,400 square foot parcel located on Illinois Street between Mariposa Street and 16th Street as more particularly shown on Exhibit A attached hereto (the "Property"), which Property is designated under the Mission Bay South Redevelopment Plan for open space purposes.

B. In accordance with the Mission Bay South Owner Participation Agreement, between the Agency and Catellus Development Corporation, a Delaware corporation ("Catellus,") the City, the Port and the Agency will enter into an Agency Ground Lease (the "Agency Lease"), whereby the Port Commission will lease the Property and surrounding area (collectively, "Parcel 24," as depicted on Exhibit A and designated in the Mission Bay Redevelopment Plan site plan) to the Agency once Parcel 24 is ready to be developed as open space. The form of the Agency Lease is Exhibit E to that certain Master Lease between the City, the Port and Catellus, dated as of June 30, 1999 and recorded July 19, 1999 as Document No. G622218-00 in the Official Records of San Francisco. Until such time as the Port leases Parcel 24 to the Agency pursuant to the Agency Lease, the Port will continue to manage the Property.

C. Muni is constructing the Third Street Light Rail project, which will provide additional public transportation along Third Street through the Mission Bay area. Muni desires to construct an electrical substation on the Property to support the new light rail line along Third Street. Muni and the Agency plan to re-design the substation when the surrounding open space is designed in order to enhance its appearance and complement the open space. Muni has agreed to provide a certain financial contribution for enhancing the open space, which may include exterior alterations to the substation resulting from the re-design in accordance with the conditions set forth in Section 10 hereof.

D. The terms of this MOU give Muni the right to use and occupy the Property for a period of 66 years and govern Muni's rights and obligations with regard to the Property prior to the Port's lease of Parcel 24 to the Agency pursuant to the Agency Lease, during the term of the Agency Lease, and after the Agency Lease terminates.

E. The parties now wish to enter into this MOU to set forth the conditions under which Muni will use and occupy the Property.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

AGREEMENT

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **Property.** The Port hereby gives Muni the right to use and occupy the Property, as shown in Exhibit A attached hereto and made a part hereof.

3. **Commencement Date.** The commencement date of Muni's right to occupy the Property pursuant to this agreement ("Commencement Date") shall be six (6) months after the date upon which Muni gives Port written notice thereof.

4. **Term.** The term of this MOU ("Term") shall commence on the Commencement Date, and shall continue for a period of sixty-six (66) years thereafter (the "Expiration Date"). No later than two and one-half years prior to the expiration of the Term, the parties will enter into good faith negotiations to renew this MOU upon mutually satisfactory terms and conditions, so that Muni may continue to utilize the substation. Muni shall request from Port (or Agency if the Agency Lease is then in effect) two (2) years advance notice as to whether Muni will have to vacate the Property at the Expiration Date. In the event the Port so notifies Muni, any holding over by Muni shall be pursuant to Section 22 hereof.

5. **Rent.** From and after the Commencement Date until the effective date of the Agency Lease, Muni shall pay to Port rent at the rate of Five Thousand Dollars ($5,000) per year. Muni shall make a lump sum rental payment for the first five years of the Term in the amount of Twenty Three Thousand One Hundred Forty-Nine and 48/100 ($23,149.48) prior to the Commencement Date and once every five years thereafter. Port recognizes and agrees that such lump sum payments are reduced because they are paid in advance, and will be deemed full rental payments for each five year period pursuant to this MOU. When the Agency Lease commences, Port shall reimburse Muni the prorated amount of prepaid rent applicable to the period after the effectiveness of the Agency Lease. From and after the effective date of the Agency Lease, Muni may occupy and use the Property without payment of rental. Notwithstanding the foregoing, in the event that any revenue is generated directly from the Property during the Term hereof, such revenue shall be delivered to the Port (or to the Agency if the Agency Lease is then in effect) after deduction of reasonable and necessary administrative costs and expenses incurred by Muni that are directly associated with the production of such revenue.

In addition, in the event that the Agency Lease has terminated and the uses on Parcel 24 are generating revenue for the Port and Parcel 24 ceases to be used for open space, Muni agrees to pay rent to the Port for the Property, at the standard rate then adopted and regularly utilized by the Port Commission for similar open land in the southern waterfront area. If the Port Commission has not adopted such a standard rate, then Muni will pay rent to the Port at the rate

paid by similar open land tenants in the southern waterfront area, as reasonably agreed to by Port and Muni.

6. **Permitted Uses.** Muni acknowledges that it has inspected the Property and accepts it in its "As Is" condition, subject to the terms of this MOU. Muni may use the Property to construct, reconstruct, maintain, operate, replace, remove, repair and renew a transit substation and related facilities (including provisions for public restrooms), and for support functions reasonably relating thereto, and for no other purpose unless consented to in the sole discretion of the Port and the Agency, if the Agency's lease has not terminated. In no event shall Muni grant any private person or entity the right to use or occupy the Property or any portion thereof unless consented to in the sole discretion of the Port and the Agency. Muni recognizes that the Property is subject to the Redevelopment Plan for the Mission Bay South Redevelopment Project approved by the San Francisco Board of Supervisors on November 2, 1998 (the "Redevelopment Plan") and to the Design for Development prepared pursuant to the Redevelopment Plan.

Muni will not sell, assign, encumber, pledge or otherwise transfer any part of its interest in or rights with respect to the Property or under this MOU (collectively, an "Assignment"), or permit or license any portion of the Property to be used or occupied by anyone other than itself, or sublet any portion of the Property (collectively, "Sublease"), without the Port's (and the Agency's unless the Agency Lease has terminated) prior written consent in each instance, which consent may be given or withheld in the Port's and the Agency's sole discretion.

7. **Risk Management Plan.** Muni recognizes that the Property, and any construction activities on the Property, is subject to the requirements of (i) that certain Covenant and Environmental Restriction on Property recorded as Document No. G748551-00 in the Official Records of the County of San Francisco on March 21, 2000 (the "Covenant") and, (ii) pursuant to the Covenant, the requirements of the Risk Management Plan for the Mission Bay Development Area (the "RMP") approved by the California Regional Water Quality Control Board for the San Francisco Bay Region (the "Regional Board.") Muni will comply with the requirements of the Covenant and RMP in its construction, maintenance and use of the Property. Some of the property covered by the RMP contains a measurable thickness of free petroleum product on the ground water table ("Free Product") resulting from the historic use of that area for bulk petroleum storage and transport by numerous oil companies. The area containing Free Product is the subject of the Regional Board's Order 98-028, which names the oil companies as responsible parties and provides that they must take appropriate remedial action with regard to the Free Product. The Property is not located within the area containing Free Product or within the "Potentially Impacted Development Area" as defined in the RMP, and is not expected to contain Free Product. In the event that Muni encounters Free Product in its construction, maintenance or use of the substation on the Property, Muni's obligations are limited to compliance with the additional management measures and other requirements of the RMP except as provided in Section 13 and Section 14 hereof. Nothing contained in the MOU shall be deemed to transfer or assign to Muni any responsibility of the responsible parties identified under Order 98-028.

8. **Surrender of Property.** On the Expiration Date Muni shall surrender the Property free of all tenants and occupants except those approved by Port in its sole discretion (or by the Agency if the Agency Lease is then in effect) and in a condition at least as good as at the Commencement Date, except for ordinary wear and tear. By the Expiration Date, at the Port's option (or the Agency's option if the Agency Lease is then in effect), Muni shall remove all or any portion of the permanent improvements placed on the Property after the Commencement Date hereof that are designated in writing by the Port or Agency for removal two (2) years prior to the Expiration Date, provided that Muni shall in no event have less than two hundred and ten (210) days to remove any improvements, subject to delays beyond the reasonable control of Muni. Any holding over by Muni shall be pursuant to Section 22 hereof.

9. **Construction of Substation Improvements; Approvals.** Muni may construct a transit substation as shown in Muni's substation drawings (Drawing No. _____) dated _____, as shown schematically in Exhibit B and as modified by any reasonable changes to such plans which do not materially alter the external appearance of the substation. Any change that materially alters the external appearance of the substation from the approved substation drawings, including, but not limited to, any changes in materials or colors specified in Exhibit B, shall be subject to the reasonable prior approval of the Parties hereto. Muni shall obtain all permits, licenses and approvals of any regulatory agencies, including without limitation, Port building permits and design approval of the Agency, required to commence and complete the construction of the improvements. Muni shall be responsible for all costs of construction of the initial facility as depicted in such drawings.

10. **Construction of Open Space; Redesign of Substation.** Muni and the Agency desire to enhance the appearance of the substation relative to the surrounding open space and to enhance the open space on Parcel 24 surrounding the substation to the extent possible. Because the open space is not yet designed, Muni and the Agency anticipate that when it is designed, the outside of the substation improvements and adjacent area will be re-designed and altered. In order to facilitate such re-design, Muni has designed the outside of the substation to accept an additional exterior finish. Muni and the Agency anticipate that as part of the re-design, the fence surrounding the Property will be removed.

When the open space surrounding the Property is designed, the Agency will provide Muni with a design program which shall include any re-design of the Property. Such design program and the final design may not interfere with the operational functions or utility of the substation, and may not materially increase Muni's maintenance or other costs for the substation, unless the Agency agrees to pay such increase. If changes are required to the Property under the design program, Muni will prepare the final design and construction documents based on the Agency's design program, subject to the Agency's and Muni's approval, and will construct or cause construction of the alterations to the Property within a reasonable period of time with a good faith effort to coordinate with the construction of other facilities in the open space. Muni will be responsible for the cost thereof up to Muni's Contribution (as defined below), which shall include Muni's costs for administration of the construction project, the design and preparation of the plans, construction management, permits, fees, insurance and construction. Muni shall not include the cost of any administrative costs not directly related to the construction project, such

as costs incurred by Muni's Real Estate Department, as part of Muni's Contribution. The Agency will be responsible for paying all costs associated with the alterations to the Property over Muni's Contribution, including any cost overruns. In the event that the Agency and Muni reasonably agree that changes to the Property are not necessary or in the event that any such changes total less than the full amount of Muni's Contribution, Muni shall pay the full amount of Muni's Contribution or the difference between Muni's expenditures and the full amount of the contribution to the Agency, which shall use such monies to otherwise enhance the open space as reasonably agreed by the Agency and Muni.

As used herein, "Muni's Contribution" means the amount of $100,000.00 as adjusted pursuant to this paragraph. The Consumer Price Index for All Urban Consumers (base years 1982-1984 = 100) for the San Francisco-Oakland-San Jose area, published by the United States Department of Labor, Bureau of Labor Statistics (the "Index"), which is published most immediately preceding the calendar month that Muni commences construction of the alterations to the substation resulting from its re-design (the "Current Index"), shall be compared with the Index published on _____, 2001 (the "Base Index"). If the Current Index has increased over the Base Index, then the amount of Muni's Contribution shall be determined by multiplying $100,000.00 by a fraction, the numerator of which is the Current Index and the denominator of which is the Base Index, as illustrated below. If the Index is changed so that the base year differs from that used as of the date most immediately preceding the date first written above, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

$$\frac{\text{Current Index}}{\text{Base Index}} \times \$100{,}000.00 = \text{Muni's Contribution}$$

Muni shall program the amount necessary in FY 2000-01 for Muni's Contribution in Muni's Third Street Phase II Central Subway Project budget in order to assure such monies are available for use in connection with the open space design.

11. **Maintenance.** Muni will be strictly responsible for the maintenance and security of the substation located on the Property. Muni shall maintain the Property, but not including any public restroom that may be located on the Property, in a good, clean, safe, secure, sanitary and sightly condition, which includes, but is not limited to, free from graffiti and debris. Muni will promptly repair and restore any portion of Parcel 24 that is damaged by Muni. Muni will pay for all utility expenses associated with the Property, including but not limited to electricity, water, sewer, gas and telephone, and will provide any scavenger service (collectively, "Utility Expenses") necessitated by its use of the Property. The Agency will pay for all Utility Expenses and be responsible for all maintenance associated with the Parcel 24 open space, including any public restrooms that may be located on the Property. Muni will ensure that the Property is separately metered from the Parcel 24 open space and associated restrooms.

In the event that Muni needs access beyond the Property boundaries to Parcel 24 for any construction, repair or maintenance of the Property, Muni shall give the Port (or the Agency if the Agency Lease is then in effect) written notice five (5) business days prior to any entrance by Muni or any of Muni's officers, agents, employees, contractors, and consultants; provided, however, in the event of an emergency, no prior notice shall be required but Muni shall provide notice retroactively within forty-eight (48) hours of any such entry. The written notice shall state (i) the purpose of such entry, (ii) the date, time and estimated duration of such entry, and (iii) a detailed description of the type of activities Muni will undertake during such entry. If Muni's entrance upon Parcel 24 involves any excavation within the Property or, after receiving such written notice, the Port (or Agency) determines that it otherwise will cause a significant disruption of the use of Parcel 24, all as reasonably determined by the Port (or Agency), the Port (or Agency) may require Muni to modify the timing of Muni's entry or to undertake other measures to ensure the safety of and the public's use of the Parcel 24 and to mitigate other adverse effects upon Parcel 24. Muni shall promptly restore or repair any portion of the Property or Parcel 24 damaged by Muni's entry thereon

12. **Insurance.** Muni shall require any tenant, subtenant licensee or any agent, contractor or subcontractor it hires in connection with its use, occupation, construction or alteration of the Property or with a right to enter or occupy the Property, to secure such insurance as is recommended by the City Risk Manager and approved by Port. Agency approval of such insurance shall also be required if such use, occupation, construction or alteration takes place while the Agency Lease is in effect.

13. **Damages.** It is the understanding of the parties that the Port shall not expend any funds due to or in connection with the Property. Therefore, Muni agrees to be responsible for all costs associated with all claims, damages, liabilities or losses which arise only (i) as a result of the handling of Hazardous Materials on or about the Property by Muni, its agents, tenants, licensees, invitees, its contractor's assignees or sublessees, or (ii) out of any injury or death of any person or damage of any property occurring in, on or about the Property or which arise as a result of Muni's, or its agents', contractor's, assignees', or sublessees', acts or omissions, from any cause. The foregoing obligation of Muni shall survive the termination of this agreement with respect to Claims that arise during Muni's possession of the Property. As used in this agreement, "Hazardous Materials" shall mean any substance, water or material which has been determined by any state, federal, or local government authority to be capable of posing a risk of injury to health, safety or property. Notwithstanding the foregoing, Muni shall have no obligation or liability with respect to any pre-existing Hazardous Materials or Free Product on or around the Property except for the handling and disposal of such Hazardous Materials or Free Product that is required by any Regulatory Agency having jurisdiction over the Property as a result of the construction, maintenance or use of the substation located on the Property.

14. **Indemnity of Agency.** Muni shall indemnify, defend and hold harmless ("Indemnify") Agency and its Agents from and against any and all claims, costs and expenses, including, without limitation, reasonable attorneys' fees, (collectively, "Claims"), incurred as a result of (a) Muni's use of the Property, (b) any default by Muni in the performance of any of its material obligations under this MOU, or (c) any negligent acts or omissions of Muni or its

Agents in, on or about the Property; provided, however, Muni shall not be obligated to Indemnify Agency or its Agents to the extent any Claim arises out of the negligence or willful misconduct of Agency or its Agents, or the acts or omissions of any other third party, or licensee, invitee or other user of the Parcel 24 open space. Muni shall have the right to control the defense and to determine the settlement or compromise of any action or proceeding, provided that Agency shall have the right, but not the obligation, to participate in the defense of any such Claim at its sole cost. Muni's obligations under this Section shall survive the termination of this MOU with respect to Claims that arise during Muni's possession of the Property. Notwithstanding the foregoing, Muni shall have no obligation or liability with respect to any pre-existing Hazardous Materials or Free Product on or around the Property except for the handling and disposal of such Hazardous Materials or Free Product that is required by any Regulatory Agency having jurisdiction over the Property as a result of the construction, maintenance or use of the substation located on the Property.

15. **Compliance with Laws.** Except as limited by Sections 7, 13 and 14 hereof, Muni, at Muni's expense, shall comply with all laws, regulations and requirements of Federal, state, county and municipal authorities, now in force or which may hereafter be in force, including laws relating to Hazardous Materials (collectively, "Laws"), which impose any duty upon Muni with respect to the use, occupation or alteration of the Property.

16. **Notices.** All notices, demand, consents or approvals which are or may be required to be given by either party to the other under this MOU shall be in writing and shall be deemed to have been fully given when delivered in person to such representatives of Muni, Port and Agency as shall from time to time be designated by the parties for the receipt of notices, or when deposited in the United States mail, postage prepaid, and addressed, if to Port to:

Director of Real Estate
San Francisco Port Commission
Ferry Building, Suite 3100
San Francisco, CA 94111

and if to Muni:

Manager of Real Estate
Attention: Kerstin Magary
Capital Planning and Legislative Affairs
Municipal Transportation Agency -- Muni
1390 Market Street, 4th Floor
San Francisco, CA 94102-5402

and if to Agency:

Executive Director
San Francisco Redevelopment Agency
770 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

With a copy to the Mission Bay Project Manager at the Agency's address

or such other address with respect to either party as that party may from time to time designate by notice to the other given pursuant to the provisions of this Paragraph.

17. **Default by Muni.** Failure of Muni to perform any provision of this MOU if the failure to perform is not cured within ninety (90) days after notice has been given by Port (or by Agency if the Agency Lease is then effective) to Muni shall constitute a default by Muni. If the default cannot reasonably be cured within 90 days, Muni shall not be in default of this MOU if Muni commences to cure the default within such 90 day period and diligently and in good faith continues to cure the default. Upon default by Muni, Port (or Agency if the Agency Lease is then effective) shall have the right to monetary damages incurred in connection with Muni's default.

18. **Agency Consent.** The Agency recognizes this MOU, and agrees that so long as Muni is not in default hereunder, it will recognize this MOU and will not disturb Muni in its possession of the Property for any reason other than one that would entitle Port to terminate this MOU or otherwise dispossess Muni of the Property under Section 17 above in accordance with the terms hereof. The Agency further recognizes and agrees that when it leases Parcel 24 pursuant to the Agency Lease, this MOU will govern the relationship between Muni and the Agency and the terms of the Agency Lease will not apply with regard to the Property as between Muni, the Agency and the Port.

19. **Successors and Assigns.** Subject to the provisions of Section 6 relating to assignment and subletting, the terms, covenants and conditions contained in this MOU shall bind and inure to the benefit of the parties hereto and, except as otherwise provided herein, their personal representatives and successors and assigns. There are no third-party beneficiaries to this MOU.

20. **Damage or Destruction.** In the event any portion of the improvements at any time located on the Property are damaged or destroyed during the term of this MOU by fire or other cause, Muni may, at its option, do either of the following: (a) with reasonable diligence, and subject to appropriation of funds and obtaining all required regulatory approvals, repair, reconstruct or replace the improvements, at Muni's cost; or (b) terminate this MOU upon at least 120 days' advance written notice specifying the date of termination and without reimbursement of any portion of the rent paid pursuant to Section 5 above. Within 60 days after such notice of termination, the Port (or the Agency if the Agency Lease is in effect) shall give Muni written notice stating whether it will accept the Property in their then present condition or whether it requires that Muni, at no cost to the Port or the Agency, demolish the improvements, clear the debris, and restore the Property to its condition prior to the construction of the improvements.

21. **Eminent Domain.** If there is a total taking of the Property, then this MOU shall terminate as of the date of taking. If there is a taking of any portion (but less than all) of the Property, then Muni may, at its option, terminate this MOU if the partial taking, in Muni's reasonable judgment, renders the remaining portion of the Property unsuitable for continued use by Muni for its intended purposes or otherwise materially adversely affects Muni's normal operations in the Property. Upon any termination of this MOU under this Section, the Port shall

be entitled to the entire award in connection therewith, except that Muni shall receive any portion of the award made for Muni's relocation expenses, the improvements installed by Muni, or the interruption of or damage to Muni's operations or personal property.

22. **Holding Over.** Any holding over with the Port's consent after the expiration of the Term, as the same may be extended hereunder, shall be on a month-to-month basis and upon each and every one of the terms and conditions of this MOU for an annual use fee of ten percent (10%) of the then fair market value for a sale of the Property, which use fee may be prorated on a monthly basis. Muni shall give Port (or the Agency if the Agency Lease is then in effect) at least thirty (30) days prior written notice in the event that it intends to hold over. In the event of such a holdover, either the Port (or the Agency if the Agency Lease is then in effect) or Muni may terminate this MOU by giving at least thirty (30) days prior written notice to the other, provided that Muni shall have not less than 210 days to remove any improvements, subject to delays beyond the reasonable control of Muni.

23. **State Reservation.** The Property is held in trust pursuant to Chapter 1333 of the California Statutes of 1968, as amended, (the "Burton Act") and that certain agreement dated January 24, 1969, between the State of California and the City and County of San Francisco with respect to the transfer in trust to the City of the lands described and referred to in the Burton Act. The State of California, pursuant to the Burton Act, has reserved all subsurface mineral deposits, including oil and gas deposits, on or underlying the Property. In accordance with the provisions of the Burton Act, the Port has granted to the State of California the right to explore and drill for and extract such subsurface minerals, including oil and gas deposits, but only from an area located by the California grid system (where X = _____ and Y =_____). Muni accepts the Property subject to the grant described immediately above.

24. **Cooperation.** Subject to the terms and conditions of this MOU, the Port and Agency agree to use their best efforts to do, or cause to be done, all things reasonably necessary or advisable to carry out the purposes of this MOU and Muni's use of the Property contemplated hereby as expeditiously as practicable, including, without limitation, performance of further acts and the execution and delivery of any additional documents.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the date first written above.

AGREED TO AS WRITTEN ABOVE:

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation operating by and through THE SAN FRANCISCO PORT COMMISSION

By:_____
DOUGLAS F. WONG
Executive Director

Date: _____

Resolution No.: _____

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By:_____
NEIL H. SEKHRI
Deputy City Attorney

AGREED TO AS WRITTEN ABOVE:

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation operating by and through MUNICIPAL TRANSPORTATION AGENCY

By:_____
MICHAEL T. BURNS
General Manager

Date: _____

Resolution No.: _____

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By:_____
AMY L. BROWN
Deputy City Attorney

AGREED TO AS WRITTEN ABOVE:

REDEVELOPMENT AGENCY OF THE
CITY AND COUNTY OF
SAN FRANCISCO, public body,
corporate and politic

By:_____
JAMES B. MORALES
Executive Director

Date: _____
Resolution No.: _____

APPROVED AS TO FORM:

By:_____
BERTHA A. ONTIVEROS
General Counsel

CONSENTED TO:

CATELLUS DEVELOPMENT
CORPORATION, a Delaware
corporation

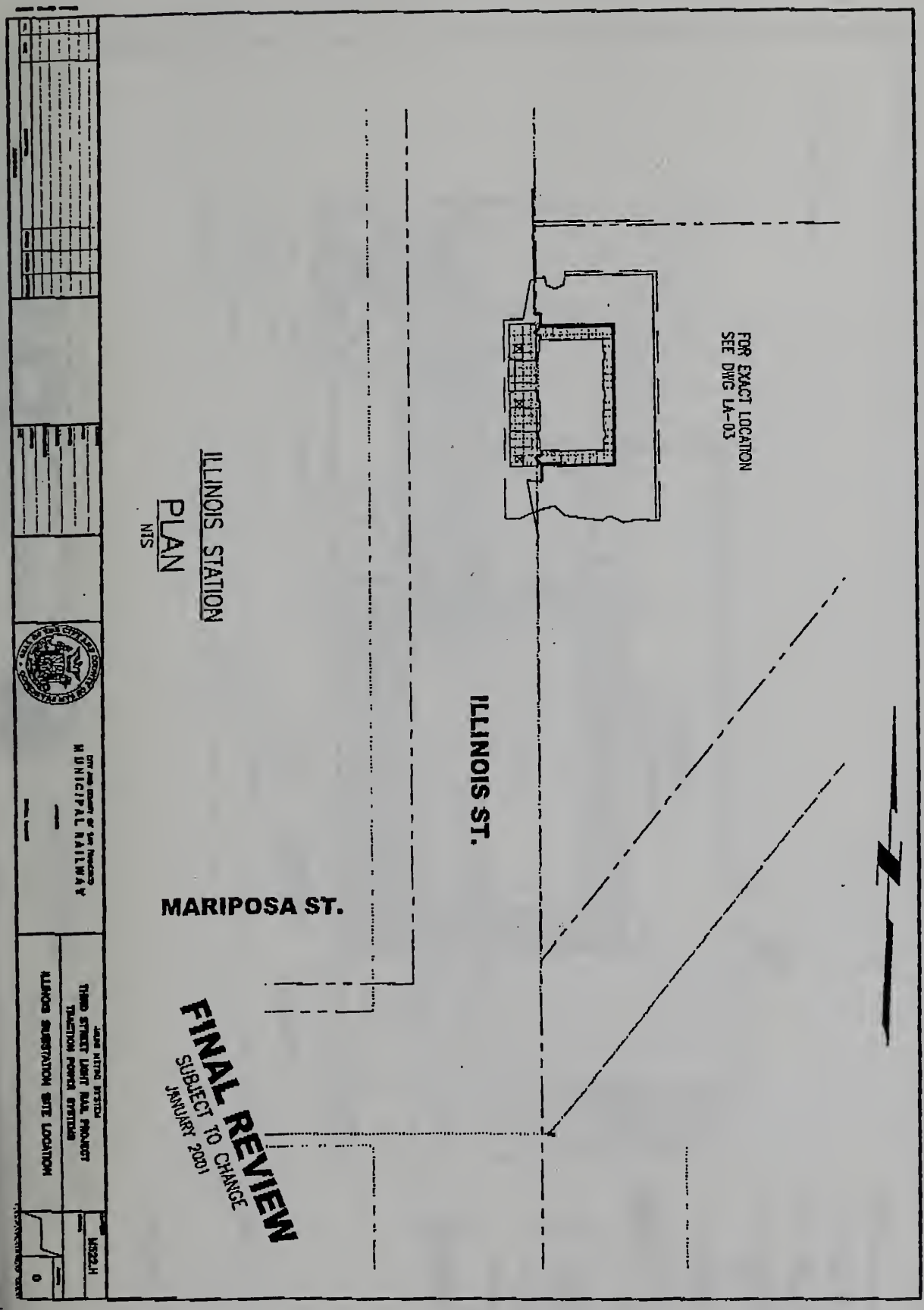
By: _____
Its: _____

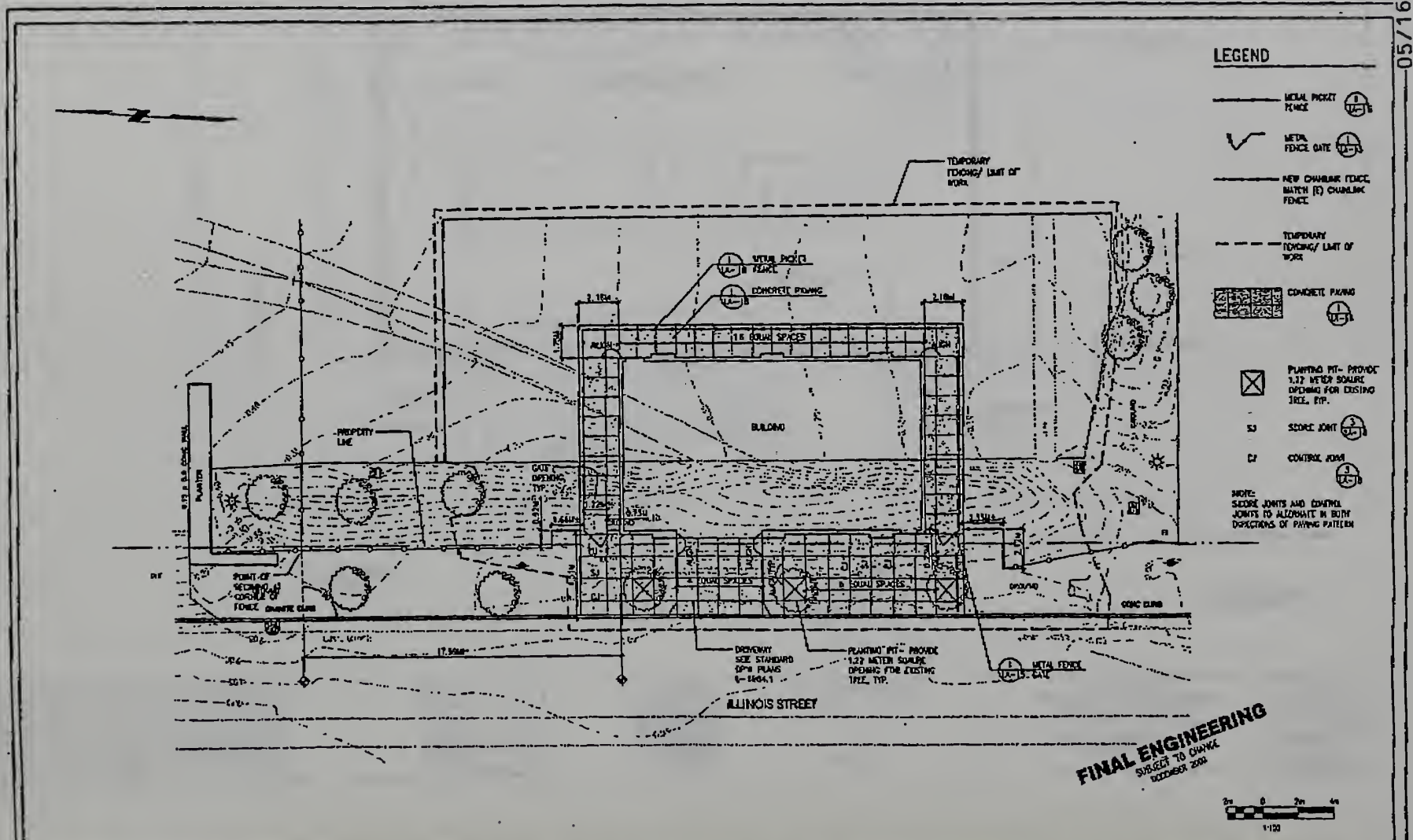
By: _____
Its: _____

EXHIBIT A

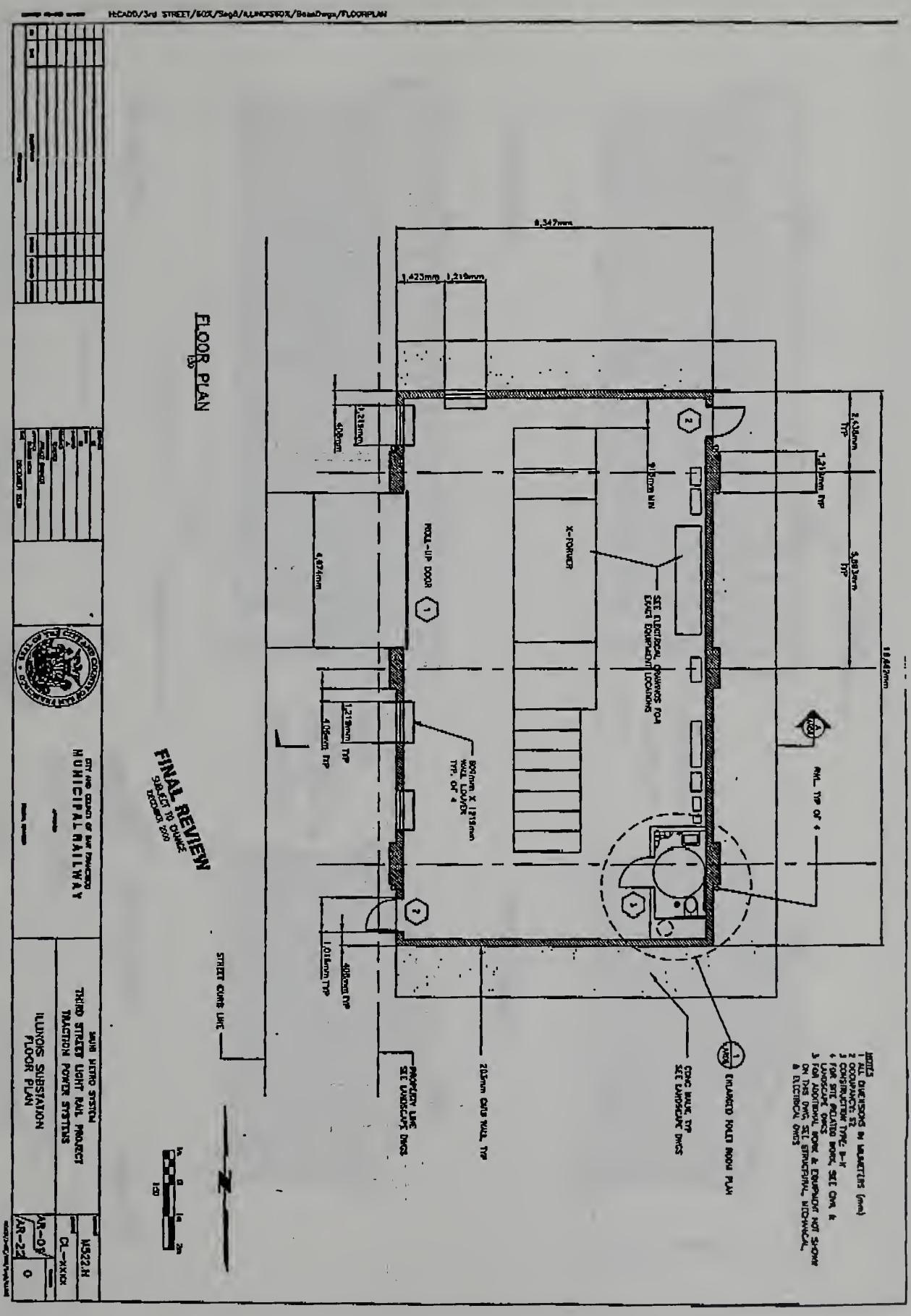
Property

[To Be Attached]

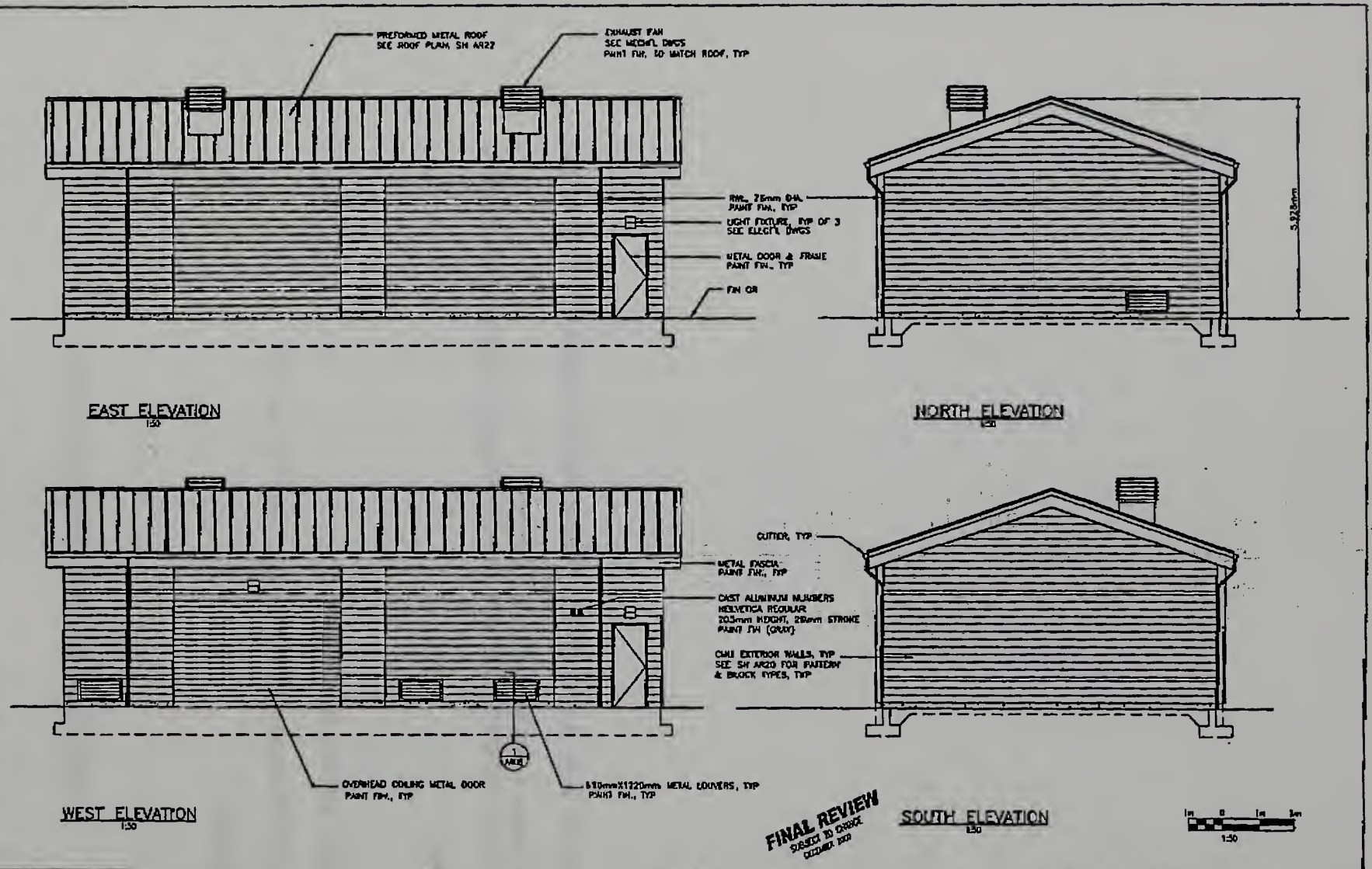

ILLINOIS STATION
PLAN
NTS
FOR EXACT LOCATION
SEE DWG LA-03
ILLINOIS ST.
MARIPOSA ST.
FINAL REVIEW
SUBJECT TO CHANGE
JANUARY 2001
CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL RAILWAY
THIRD STREET LIGHT RAIL PROJECT
TRACTION POWER SYSTEMS
ILLINOIS SUBSTATION SITE LOCATION
M9S2-H


LEGEND
METAL PICKET FENCE
METAL FENCE GATE
NEW CHAINLINK FENCE, MATCH (E) CHAINLINK FENCE
TEMPORARY FENCING/ LIMIT OF WORK
CONCRETE PAVING
PLANTING PIT- PROVIDE 1.22 METER SQUARE OPENING FOR EXISTING TREE, TYP.
SJ SCORE JOINT
CJ CONTROL JOINT
NOTE: SCORE JOINTS AND CONTROL JOINTS TO ALTERNATE IN BOTH DIRECTIONS OF PAVING PATTERN
TEMPORARY FENCING/ LIMIT OF WORK
METAL PICKET FENCE
CONCRETE PAVING
16 BIKE SPACES
BUILDING
PROPERTY LINE
GATE OPENING TYP.
POINT OF SECONDARY CURVE OF FENCE
GRANITE CURB
CONC CURB
DRIVEWAY SEE STANDARD DPW PLANS
PLANTING PIT- PROVIDE 1.22 METER SQUARE OPENING FOR EXISTING TREE, TYP.
METAL FENCE GATE
ILLINOIS STREET
FINAL ENGINEERING
SUBJECT TO CHANGE
DECEMBER 2001

MARTHA KETCHER	CITY AND COUNTY OF SAN FRANCISCO MUNICIPAL RAILWAY	MUNI METRO SYSTEM THIRD STREET LIGHT RAIL PROJECT TRACTION POWER SYSTEMS	M522.H
GIL PIC			XXXX
EDWARD CHIN		LANDSCAPE LAYOUT PLAN AT ILLINOIS	LA-03/ XXXX
PZ/MA			0


H:\CADD\3rd STREET\BOX\Sig&A\ILLINOIS80X\BaseDwgs\FLOORPLAN
FLOOR PLAN
1/2"
FINAL REVIEW
SUBJECT TO CHANGE
DECEMBER 2000
CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL RAILWAY
SAN MIGUEL SYSTEM
THIRD STREET LIGHT RAIL PROJECT
TRACTION POWER SYSTEMS
ILLINOIS SUBSTATION
FLOOR PLAN
M522.H
CL-XXXX
AR-01/AR-22
0
ROLL-UP DOOR
X-FORMER
SEE ELECTRICAL DRAWINGS FOR EQUIPMENT LOCATIONS
800mm X 1219mm WALL LOUVER TYP. OF 4
STREET CURB LINE
PROPERTY LINE SEE LANDSCAPE DWGS
CONC WALK TYP SEE LANDSCAPE DWGS
ENLARGED TOILET ROOM PLAN
NOTES
1 DIMENSIONS IN MILLIMETERS (mm)
2 OCCUPANCY IS
3 CONSTRUCTION TYPE: II-N
4 FOR SITE RELATED WORK, SEE CIVIL & LANDSCAPE DWGS
5 FOR ADDITIONAL WORK & EQUIPMENT NOT SHOWN ON THIS DWG, SEE STRUCTURAL, MECHANICAL & ELECTRICAL DWGS

P.17
05/16/2001 06:06PM
MAY-16-2001 17:47
M:\AAD\3rd STREET\AUG\Sep8\ILLUSTRATOR\BaseDwgs\BUILDING ELEVATIONS



FINAL REVIEW
SUBJECT TO CHANGE
DECEMBER 2000

			CITY AND COUNTY OF SAN FRANCISCO MUNICIPAL RAILWAY	MUNI METRO SYSTEM THIRD STREET LIGHT RAIL PROJECT TRACTION POWER SYSTEMS	AM22.H CL-XXXX
				ILLINOIS SUBSTATION BUILDING ELEVATIONS	AR-02 / AR-22 — 0

Illinois Street Substation Materials and Colors

Building Materials:

1. Main body: Concrete Masonry Unit or CMU- Calstone 200 Grey
2. Accent: CMU - Calstone 304 Charcoal

Building Colors:

1. Fence, rollup and mandoors, ventilation louvers and address number - Tnemec, Fossil (grey color similar to Mission Bay Grey), GR28
2. Roof and exhaust Fans - Forest Green, DuraTech 500 (full 70%Kynar500/Hylar 500)

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-41 (Mission Creek Ductbank)

WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control Port area of the City and County of San Francisco; and

WHEREAS, MUNI is presently undertaking planning and development of the Third Street Light Rail System, which will extend light rail service along the Third Street Corridor across the Peter R. Maloney (Fourth Street) Bridge to Bay View/Hunters Point. The Third Street Light Rail will significantly benefit the Port by providing improved public transportation and access to Port property located in the Southern Waterfront area, including the Mission Bay open space located within Port jurisdiction, the Port's opportunity area at Pier 70, the Port's marine terminals at Pier 80 and 94-96, and Port open space at Islais Creek and Heron's Head Park; and

WHEREAS, Muni requires authorization from the Port to obtain rights-of-way in the northern part of the Third Street corridor alignment to construct ductbanks for electrical power and communications for the Third Street Light Rail Project; and

WHEREAS, The Port, Department of Real Estate, and Muni have negotiated a Memorandum of Understanding authorizing Muni to construct ductbanks under Mission Creek in two separate locations west of the Fourth Street Bridge (the "Mission Creek Ductbanks MOU"); and

WHEREAS, In Resolution 01-15, dated February 27, 2001, pursuant to the California Environmental Quality Act ("CEQA "), this Commission reviewed and considered the Final Environmental Impact Statement/Environmental Impact Report ("FEIS/EIR"), and in exercising its independent judgment, found the FEIS/EIR's analysis and conclusions regarding transportation and environmental effects, alternatives and cumulative conditions, to be objective, complete and in compliance with CEQA and the CEQA Guidelines. The FEIS/EIR and this Commission's findings are on file with the Commission Secretary; and

WHEREAS, Subsequent to adoption of the CEQA findings, the ductbank construction approach was changed from trenching along the creek bottom to directional boring under Mission Creek; and

WHEREAS, Directional boring reduces environmental impacts by avoiding construction in the creek bottom; and

WHEREAS, The new construction approach is documented in an Addendum to the FEIS/EIR, on file with the Port Commission Secretary; now, therefore, be it,

RESOLVED, That this Commission hereby incorporates herein by reference thereto the CEQA findings made by the Port in its Resolution No. 01-15 on file with the Port Commission Secretary and hereby finds, on the basis of substantial evidence, and in light of the whole record, including the Addendum to the FEIS/EIR, that (1) modifications incorporated into the project will not require important revisions to the FEIS/EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the project will be undertaken which would require major revisions to the FEIS/EIR due to the involvement of new environmental effects, or a substantial increase in the severity of effects identified in the FEIS/EIR; and (3) no new information of substantial importance to the project has become available which would indicate (a) the project has significant effects not discussed in the FEIS/EIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIS/EIR would substantially reduce one or more significant effects on the environment; and, be it further

RESOLVED, that the San Francisco Port Commission, hereby approves the Memorandum of Understanding upon the terms and conditions set forth in the Memorandum of Agenda Item 9B for the May 22, 2001 Port Commission meeting, and authorizes the Executive Director to execute the Memorandum of Understanding in such final form as is approved by the City Attorney; and be it further

RESOLVED, that the Port Commission authorizes the Executive Director, in consultation with the City Attorney, to take all such further action, including executing further documents or assurances necessary to implement the intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 22, 2001.

_____
Secretary

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (herein "MOU") dated hereof for reference purposes only as of April 3, 2001, is entered into by and between the San Francisco City and County Municipal Railway, an agency of the City and County of San Francisco (the "Muni"), the San Francisco Port Commission, an agency of the City and County of San Francisco ("Port") and the City and County of San Francisco (the "City"), a municipal corporation, acting by and through its Administrative Services Department, Division of Real Estate (the "Department").

RECITALS

A. Under the Burton Act (Stats. 1968 Ch. 1333), the State of California transferred to the City, to be held by the Port, certain property including the area encompassing Mission Creek and the northern portion of Parcel P1, as depicted on Exhibit A and designated in the Mission Bay Redevelopment Plan site plan, consisting of a strip of land 100 feet wide from the northern property line of Parcel P1, as more particularly shown on Exhibit A attached hereto (the "Port Property").

B. Parcel NP1, as depicted on Exhibit A and designated in the Mission Bay Redevelopment Plan site plan, and all of Parcel P1 except that portion which is included in Port Property is owned by the City and under the jurisdiction of the Department (the "City Property"). Catellus Development Corporation, a Delaware corporation ("Catellus"), currently leases the City Property pursuant to that certain Master Lease between the City, the Port and Catellus, dated as of June 30, 1999 and recorded July 19, 1999 as Document No. G622218-00 in the Official Records of San Francisco ("Master Lease").

C. In accordance with the Mission Bay North and South Owner Participation Agreements between the Agency and Catellus, the City, the Port and the Redevelopment Agency of the City and County of San Francisco, a public body, corporate and politic of the State of California, ("Agency") will enter into an Agency Ground Lease (the "Agency Lease"), whereby the Port Commission will lease the portion of Parcel P1 that is Port Property and the City will lease the City Property, all as depicted on Exhibit A, to the Agency once Parcels NP1 and P1 are ready to be developed as open space. The form of the Agency Lease is Exhibit E to the Master Lease.

D. Muni is constructing the Third Street Light Rail Project, which will provide additional public transportation along Third Street through the Mission Bay and Central Waterfront areas. Muni wishes to place ductbanks underneath Parcels NP1 and P1 and the bed of Mission Creek to support the new light rail line along Third Street.

E. The parties now wish to enter into this MOU to set forth the conditions under which Muni will use and occupy the Port Property and City Property.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

AGREEMENT

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **Property.** The Port hereby gives Muni the right to use and occupy the Port Property, as shown in Exhibit A attached hereto and made a part hereof. The City hereby gives Muni the right to use and occupy the City Property, as shown in Exhibit A. The Port Property and City Property are referred to collectively herein as the "Property."

3. **Effective Date.** The effective date of this agreement ("Effective Date") shall be _____, 2001.

4. **Term.** The term of this Agreement ("Term") shall commence on the Effective Date and shall continue for a period of sixty-six (66) years thereafter (the "Expiration Date"). No later than two and one-half years prior to the Expiration Date, the parties will enter into good faith negotiations to renew this MOU upon mutually satisfactory terms and conditions, so that Muni may continue to utilize the Property. Muni shall request from Port two (2) years advance notice as to whether Muni will have to vacate the Port Property at the Expiration Date.

5. **Installation of Ductbanks; Approvals.** Muni may install underground ductbanks as shown in the plan and profile attached hereto as Exhibit B and made a part hereof, as modified by any reasonable changes to such plans. Muni shall verify the locations of City and public service utility company facilities that may be affected by the work authorized hereunder and shall assume all responsibility for any damage to such facilities due to the work. Muni shall obtain all permits, licenses and approvals of any regulatory agencies, including without limitation, Port building permits, required to commence and complete the installation of the ductbanks. Muni shall be responsible for all costs of installation of the ductbanks.

6. **Permitted Uses.** Muni may use the Property to construct, install, operate, maintain, replace, repair or remove ductbanks consisting of conduits and junction boxes for communication system control, signaling, and electrical power, as shown in the cross-sections attached hereto as Exhibit C and made a part hereof, and for necessary rights of access for the uses permitted hereunder. Upon notice to Port, Muni may allow use and occupancy of the ductbanks by subtenants, including, without limitation, other City departments and agencies, provided that Port shall have the right to approve any plans related to such subtenant use of the ductbanks and further provided that if Muni receives a use fee (or other compensation in excess of reimbursement for Muni's expenses related to the ductbanks) from any such subtenant, Muni shall pay the Port a share of such compensation proportionate to the subtenant's use of the Port Property. For example, if one-tenth of the subtenant's conduit in a ductbank is located within the Port Property, then the Port shall be entitled to one-tenth of the use fee (or other compensation in excess of reimbursement for Muni's expenses related to the ductbank).

7. **Non-Interference.** Port shall have the right to use and enjoy the Port Property and City shall have the right to use and enjoy the City Property except when such use interferes with the ductbanks or the rights and privileges granted Muni hereunder.

8. **Restrictions on Use; Compliance with Law.** Muni shall not use or permit the Property, or any part thereof, to be used for any purposes other than the purposes set forth in Paragraph 5 of this MOU. Muni, at Muni's expense, shall comply with all laws, regulations and requirements of Federal, state, county and municipal authorities, now in force or which may hereafter be in force, including laws relating to Hazardous Materials, which impose any duty upon Muni with respect to the use, occupation or alteration of the Property.

9. **Maintenance.** Any damage caused by installation, maintenance, repair or any other activity of Muni permitted hereunder shall be repaired and restored to its prior condition upon completion of the installation, maintenance, repair or other activities at no cost to Port or City.

10. **Insurance.** Muni shall require any subtenant or any agent, or any contractor or subcontractor it hires in connection with its use of the Property, to secure such insurance as is recommended by the City Risk Manager and approved by Port. The Port shall be included as an additional insured in any such insurance.

11. **Indemnification.** Muni shall include the Port as an Indemnified Party in any indemnification provision between Muni and any subtenant or any agent, or any contractor or subcontractor it hires in connection with its use of the Port Property.

12. **Damages.** It is the understanding of the parties that Port shall not expend any funds due to or in connection with Muni's use of the Port Property. Therefore, Muni agrees to be responsible for all costs associated with all claims, damages, liabilities or losses which arise (i) as a result of the handling of Hazardous Materials on or about the Port Property by Muni, its agents or invitees, and its contractor's assignees or sublessees, or (ii) out of any injury or death of any person or damage of any property occurring in, on or about the Port Property which arise as a result of Muni's, or its agents' or invitees', and its contractor's assignees' or sublessees', act or omission, from any cause. The foregoing obligation of Muni shall survive the termination of this agreement. As used herein, "Hazardous Materials" shall mean any substance, water or material which has been determined by any state, federal, or local government authority to be capable of posing a risk of injury to health, safety or property.

13. **Notices.** All notices, demand, consents or approvals which are or may be required to be given by either party to the other under this MOU shall be in writing and shall be deemed to have been fully given when delivered in person to such representatives of City, Port and Muni as shall from time to time be designated by the parties for the receipt of notices, or when deposited in the United States mail, postage prepaid, and addressed, if to City to:

Real Estate Department
25 Van Ness Avenue, Suite 400

San Francisco, CA 94102
Attn: Director of Property

and if to Port to:

Director of Real Estate
San Francisco Port Commission
Ferry Building, Suite 3100
San Francisco, CA 94111

and if to Muni to:

Manager of Real Estate
Attention: Kerstin Magary
Capital Planning and Legislative Affairs
Municipal Transportation Agency -- Muni
1390 Market Street, 4th Floor
San Francisco, CA 94102-5402

or such other address with respect to any party as that party may from time to time designate by notice to the other parties given pursuant to the provisions of this Paragraph.

14. **Default by Muni.** Failure of Muni to perform any provision of this MOU if the failure to perform is not cured within thirty (30) days after notice has been given by Port or City to Muni shall constitute a default by Muni. If the default cannot reasonably be cured within thirty (30) days, Muni shall not be in default of this MOU if Muni commences to cure the failure within such thirty (30) day period and diligently and in good faith continues to cure the failure. Upon default by Muni, Port or City shall, without further notice or demand of any kind to Muni or to any other person, have the ability to terminate this MOU and Muni's right to possession thereof.

15. **Cooperation.** Subject to the terms and conditions of this MOU, the Port and City agree to use its best efforts to do, or cause to be done, all things reasonably necessary or advisable to carry out the purposes of this MOU and Muni's use of the Property contemplated hereby as expeditiously as practicable, including, without limitation, performance of further acts and the execution and delivery of any additional documents.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the date first written above.

AGREED TO AS WRITTEN ABOVE:

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation operating by and through THE SAN FRANCISCO PORT COMMISSION

By:_____
DOUGLAS F. WONG
Executive Director

Date: _____
Resolution No.: _____

AGREED TO AS WRITTEN ABOVE:

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation operating by and through THE MUNICIPAL TRANSPORTATION AGENCY

By:_____
MICHAEL T. BURNS
Director of Transportation

Date: _____
Resolution No.: _____

CONSENTED TO:

CATELLUS DEVELOPMENT CORPORATION, a Delaware corporation

By: _____
Its: _____

By: _____
Its: _____

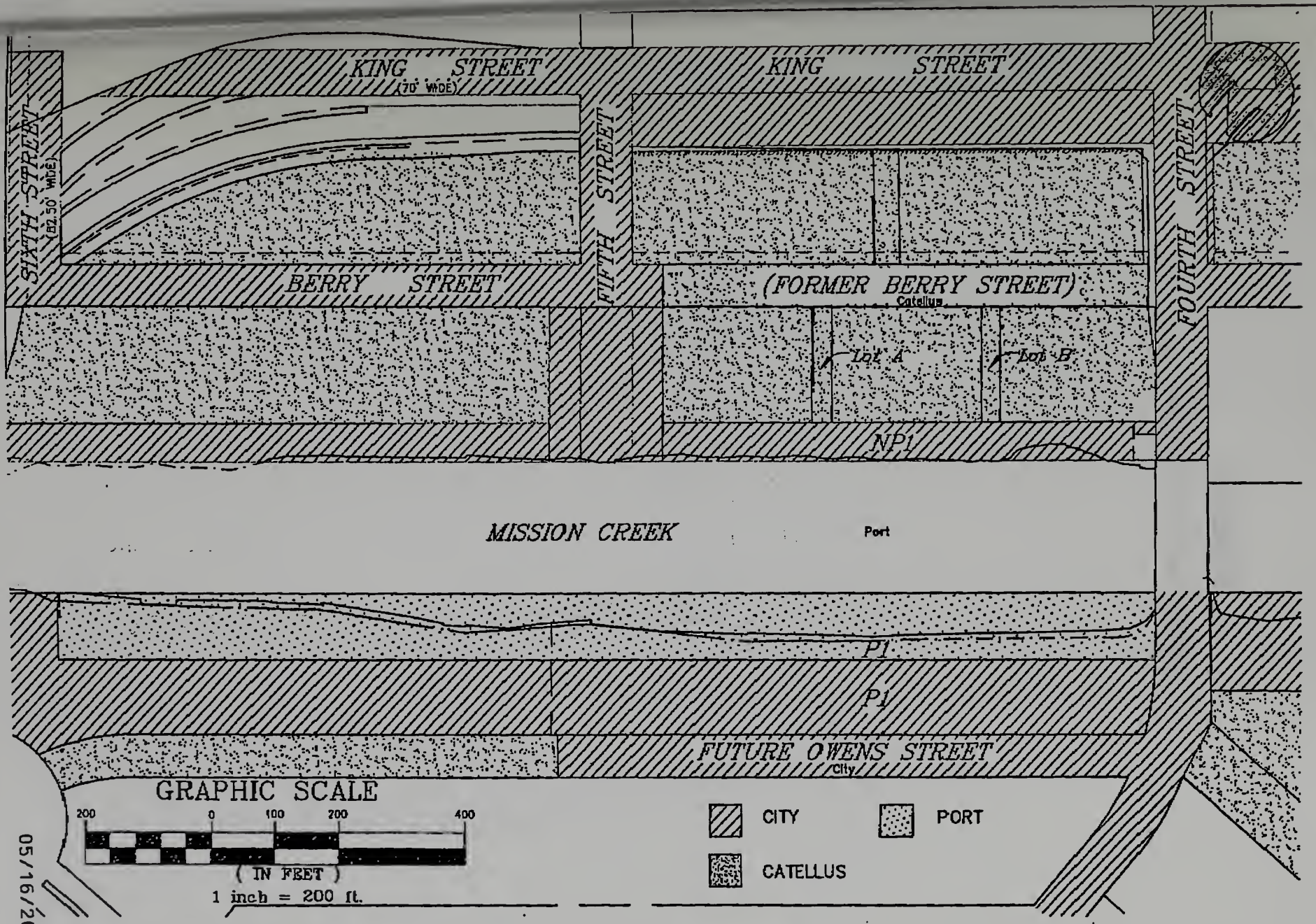
AGREED TO AS WRITTEN ABOVE:

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation operating by and through ADMINISTRATIVE SERVICES DEPARTMENT, DIVISION OF REAL ESTATE

By:_____
ANTHONY J. DELUCCHI
Director of Property

EXHIBIT A

Map of Property



t:\Mission Bay\other_MB_dwgs\exh01.dwg	date: 03/16/01 by: RH/DM	MBTF Mission Bay Task Force City Hall, Rm 10 1 Carlton B.Goodlett Place San Francisco, Ca 94102-4645	Mission Bay Project San Francisco, California Land Ownership in Vicinity of Muni Ductbank Crossings	sheet 1 of sheet 1

05/16/2001 06:11PM

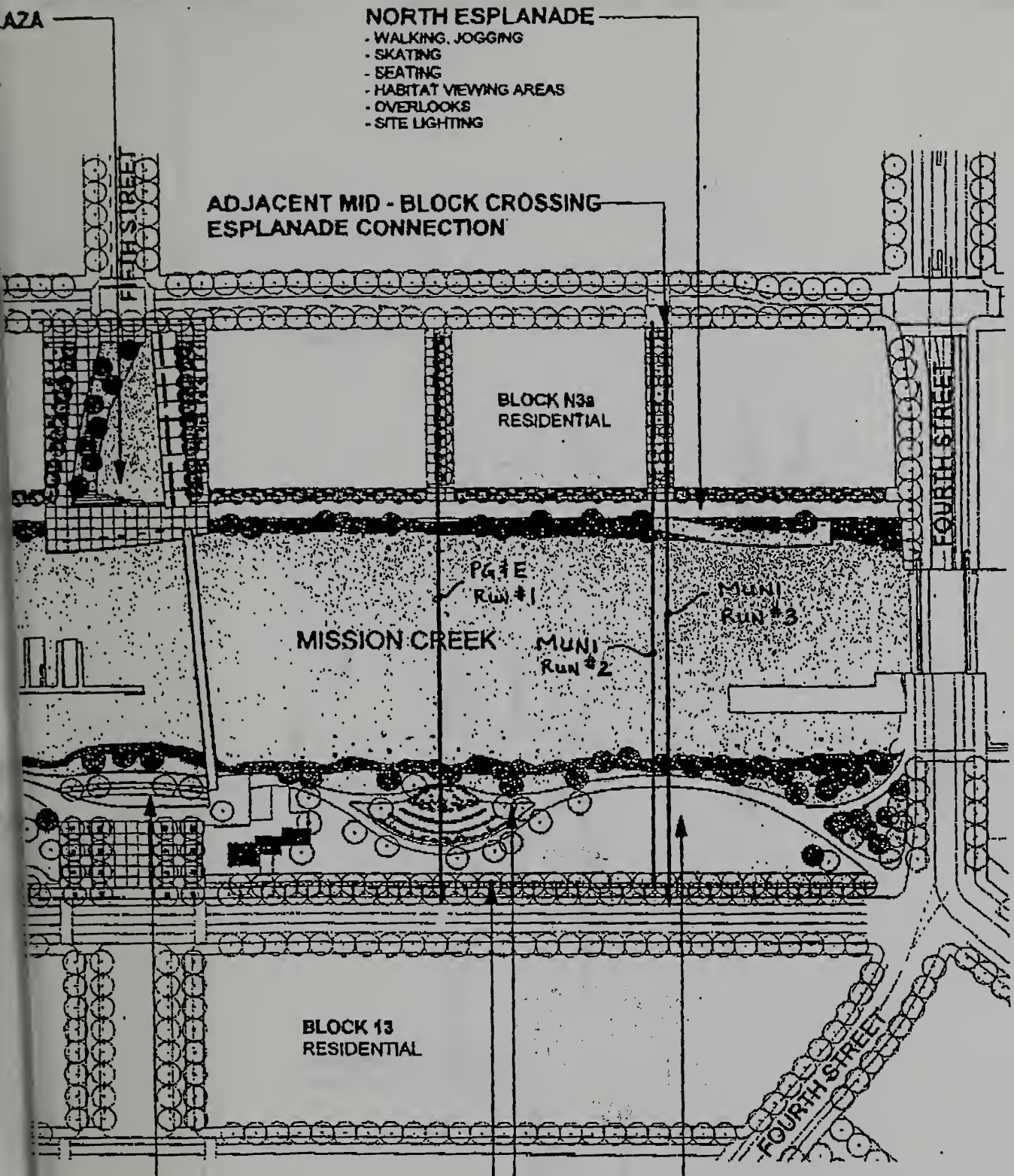
MAY-16-2001 17:51

P.08

EXHIBIT B

Plan and Profile of the Ductbanks

MUNI METRO STATION
THIRD STREET LIGHT RAIL PROJECT
MISSION CREEK DUCTBANK
SITE PLAN
CITY AND COUNTY OF SAN FRANCISCO
4th STREET BRIDGE
CHINA BASIN
DUCTBANK
208.04
CHANNEL BANK
DUCTBANK
CHANNEL BANK
BERRY STREET
MISSION CREEK
CHANNEL
CHANNEL STREET
OWENS STREET


AZA
NORTH ESPLANADE
- WALKING, JOGGING
- SKATING
- SEATING
- HABITAT VIEWING AREAS
- OVERLOOKS
- SITE LIGHTING
ADJACENT MID - BLOCK CROSSING
ESPLANADE CONNECTION
FIFTH STREET
BLOCK N3a
RESIDENTIAL
FOURTH STREET
PG&E
Run #1
MUNI
Run #3
MISSION CREEK
MUNI
Run #2
BLOCK 13
RESIDENTIAL
FOURTH STREET
PICAL
INED IN
ONS
FIFTH STREET SOUTH PLAZA
- FOOD CONCESSION
- RESTROOMS
- SEATING
- PEDESTRIAN BRIDGE ACCESS
- OVERLOOK
EAST LAWN
- MULTI-USE OPEN LAWN
- FRISBEE, KITE FLYING
- SUNBATHING, SEATING
- PICNICKING
- INFORMAL PLAY
LANDSCAPE STEPS
- CHILDREN'S PLAY ARE
- INFORMAL PERFORM

DUCTBANK PROFILE
(UNITS) (SECTION LOOKING EAST)
CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL RAILWAY
SAN MATEO STATION
THIRD STREET LIGHT RAIL PROJECT
MISSION CREEK DUCTBANK
DUCTBANK PROFILE
MANHOLE OWENS ST.
EDGE OF BANK
CL CHANNEL
HIGH WATER
LOW WATER
DREDGING LINE
DUCTBANK
FILL
DENSE TO VERY DENSE AND HARD
CLAY (CH)
SOFT BAY MUD
CLAYEY SAND/ SANDY CLAY/SAND (SC/CL/SP)
CLAY (CH)
MEDIUM STIFF TO HARD
CLAYEY SAND/ SANDY CLAY (SC/CL)
DENSE AND HARD, ALLUVIUM
SAND (SP)
VERY DENSE, ALLUVIUM
SAND STONE AND SHALE
BED ROCK
MANHOLE BEAVER ST.
CL (2) BOX SEWER
(2) 12.5' X 25.5'
BOX SEWER
0.00 m
-5.00 m
-10.00 m
-15.00 m
-20.00 m
-25.00 m
-30.00 m
-35.00 m
-40.00 m
-45.00 m
-50.00 m

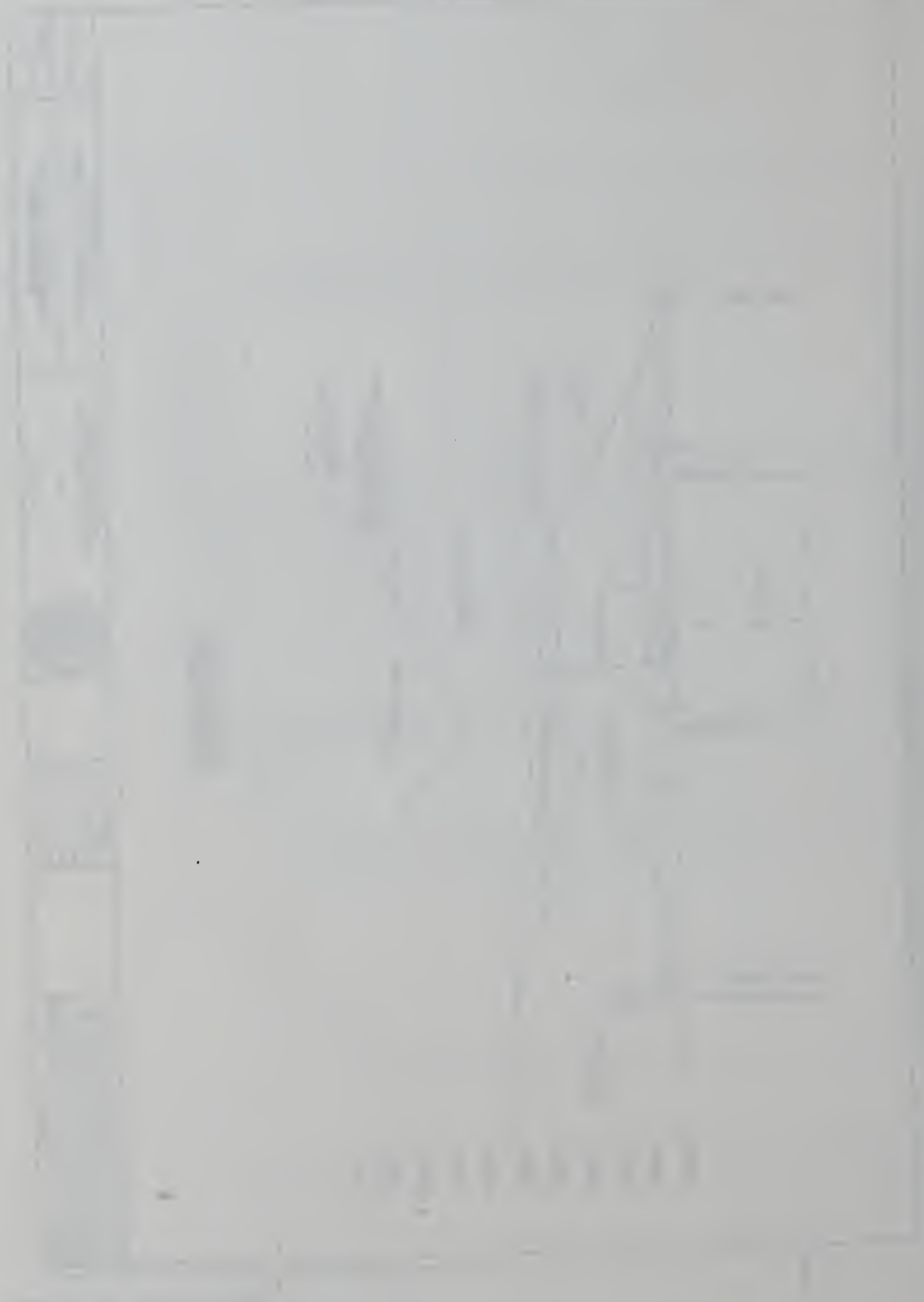


EXHIBIT C

Cross-Section of Ductbanks

MISSION CREEK
PG&E RUN #1

5' -6" PVC Sched 40 conduits
36" HDPE pipe SDR 13.5

6" dia.

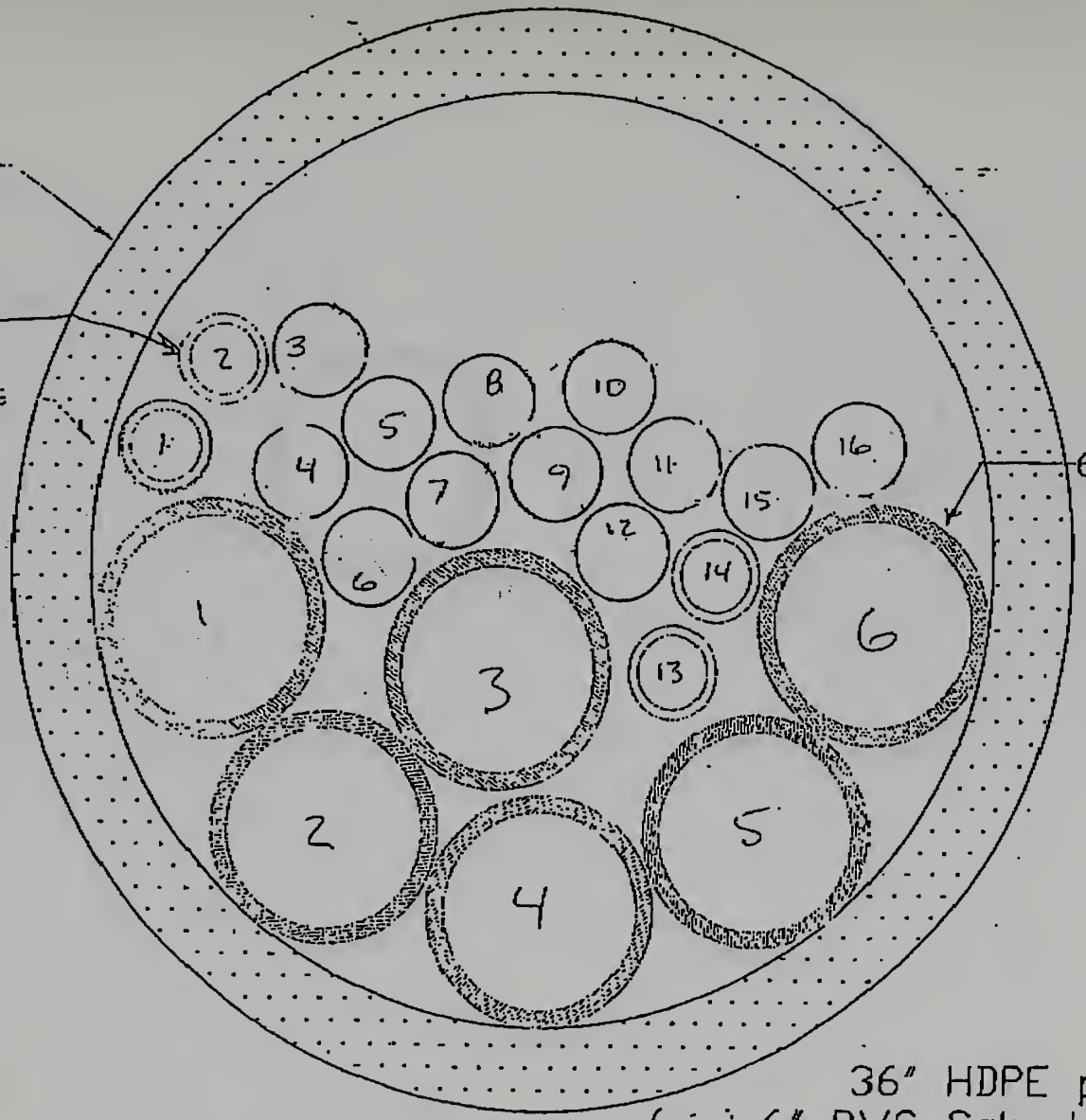
1
2
3
4
5

Ø36.000

HDPE SDR 13.5 Size 36

05/16/2001 06:11PM

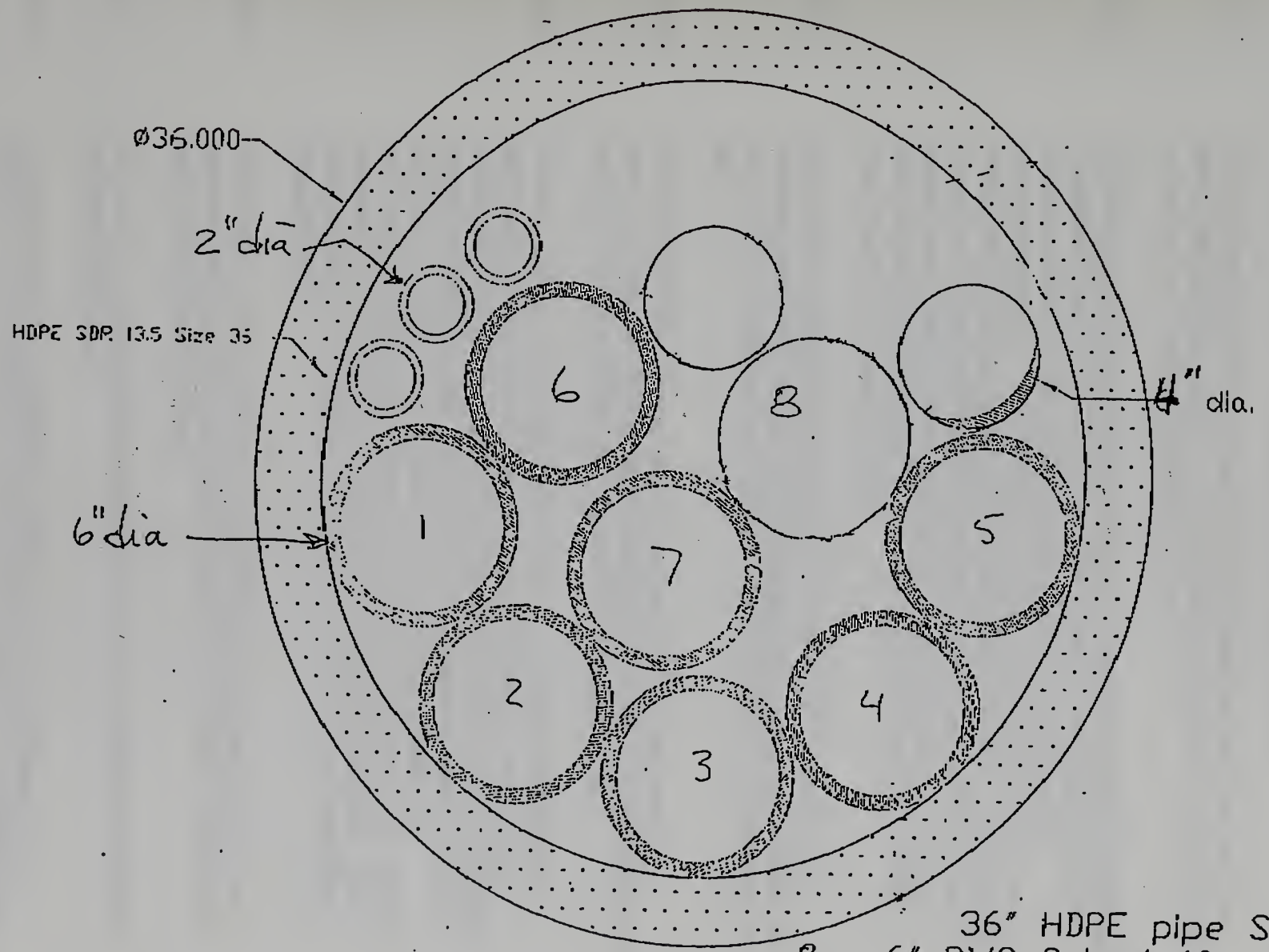
MISSION CREEK
MUNI-TP RUN#2



36" HDPE pipe SDR 13.5
6 -6" PVC Sched 40 conduits
16 -2" PVC Sched 40 conduits

MAY-16-2001 17:53 P.15
05/16/2001 06:11PM

MISSION CREEK
MUNI-TP RUN#3



36" HDPE pipe SDR 13.5
8 -6" PVC Sched 40 conduits
3 -2" PVC Sched 40 conduits

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 01-42 (Islais Creek Ductbank)

WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control Port area of the City and County of San Francisco; and

WHEREAS, MUNI is presently undertaking planning and development of the Third Street Light Rail System, which will extend light rail service along the Third Street Corridor across the Peter R. Maloney (Fourth Street) Bridge to Bay View/Hunters Point. The Third Street Light Rail will significantly benefit the Port by providing improved public transportation and access to Port property located in the Southern Waterfront area, including the Mission Bay open space located within Port jurisdiction, the Port's opportunity area at Pier 70, the Port's marine terminals at Pier 80 and 94-96, and Port open space at Islais Creek and Heron's Head Park; and

WHEREAS, Muni requires authorization from the Port to obtain rights-of-way in the northern part of the Third Street corridor alignment to construct ductbanks for electrical power and communications for the Third Street Light Rail Project; and

WHEREAS, The Port and Muni have negotiated a memorandum of understanding authorizing Muni to construct ductbanks under Islais Creek at a location east of the Islais Creek Bridge (the "Islais Creek Ductbanks MOU); and

WHEREAS, In Resolution 01-15, dated February 27, 2001, pursuant to the California Environmental Quality Act ("CEQA "), this Commission reviewed and considered the Final Environmental Impact Statement/Environmental Impact Report ("FEIS/EIR"), and in exercising its independent judgment, found the FEIS/EIR's analysis and conclusions regarding transportation and environmental effects, alternatives and cumulative conditions, to be objective, complete and in compliance with CEQA and the CEQA Guidelines. The FEIS/EIR and this Commission's findings are on file with the Commission Secretary; and,

WHEREAS, Subsequent to adoption of the CEQA findings, the ductbank construction approach was changed from trenching along the creek bottom to directional boring under Islais Creek; and

WHEREAS, Directional boring reduces environmental impacts by avoiding construction in the creek bottom; and

WHEREAS, The new construction approach is documented in an Addendum to the FEIS/EIR on file with the Port Commission Secretary; now, therefore, be it

RESOLVED, That this Commission hereby incorporates herein by reference thereto the CEQA findings made by the Port in its Resolution No. 01-15 on file with the Port Commission Secretary and hereby finds, on the basis of substantial evidence, and in light of the whole record, including the Addendum to the FEIS/EIR, that (1) modifications incorporated into the project will not require important revisions to the FEIS/EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the project will be undertaken which would require major revisions to the FEIS/EIR due to the involvement of new environmental effects, or a substantial increase in the severity of effects identified in the FEIS/EIR; and (3) no new information of substantial importance to the project has become available which would indicate (a) the project has significant effects not discussed in the FEIS/EIR, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the FEIS/EIR would substantially reduce one or more significant effects on the environment; and, be it further

RESOLVED, that the San Francisco Port Commission, hereby approves the Memorandum of Understanding upon the terms and conditions set forth in the Memorandum of Agenda Item 9B for the May 22, 2001 Port Commission meeting, and authorizes the Executive Director to execute the Memorandum of Understanding in such final form as is approved by the City Attorney subject to receipt by the Executive Director of an agreement acceptable to the Executive Director, whereby the Port is provided space within the ductbank to serve the needs of its proposed bridge across Islais Creek; and, be it further

RESOLVED, that the Port Commission authorizes the Executive Director, in consultation with the City Attorney, to take all such further action, including executing further documents or assurances necessary to implement the intent of this Resolution.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of May 22, 2001.

_____
Secretary

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (herein "MOU") dated hereof for reference purposes only as of _____, 2001, is entered into by and between the San Francisco City and County Municipal Railway, an agency of the City and County of San Francisco (the "Muni") and the San Francisco Port Commission, an agency of the City and County of San Francisco ("Port").

RECITALS

A. Under the Burton Act (Stats. 1968 Ch. 1333), the State of California transferred to the City and County of San Francisco (the "City"), to be held by the Port, certain property including the area encompassing Islais Creek, as more particularly shown on Exhibit A attached hereto (the "Property").

B. Muni is constructing the Third Street Light Rail Project, which will provide additional public transportation along Third Street through the Mission Bay and Central Waterfront areas. Muni wishes to place ductbanks underneath the bed of Islais Creek to support the new light rail line along Third Street.

C. The parties now wish to enter into this MOU to set forth the conditions under which Muni will use and occupy the Property.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

AGREEMENT

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

2. **Property.** The Port hereby gives Muni the right to use and occupy the Property, as shown in Exhibit A attached hereto and made a part hereof.

3. **Effective Date.** The effective date of this agreement ("Effective Date") shall be _____, 200__.

4. **Term.** The term of this Agreement ("Term") shall commence on the Effective Date and shall continue for a period of sixty-six (66) years thereafter (the "Expiration Date"). No later than two and one-half years prior to the Expiration Date, the parties will enter into good faith negotiations to renew this MOU upon mutually satisfactory terms and conditions, so that Muni may continue to utilize the Property. Muni shall request from Port two (2) years advance notice as to whether Muni will have to vacate the Property at the Expiration Date.

5. **Installation of Ductbanks; Approvals.** Muni may install underground ductbanks as shown in the plan and profile attached hereto as Exhibit B and made a part hereof, as modified by any reasonable changes to such plans. Muni shall verify the locations of City and public service utility company facilities that may be affected by the work authorized hereunder and shall assume all responsibility for any damage to such facilities due to the work. Muni shall obtain all permits, licenses and approvals of any regulatory agencies, including without limitation, Port building permits, required to commence and complete the installation of the ductbanks. Muni shall be responsible for all costs of installation of the ductbanks.

6. **Permitted Uses.** Muni may use the Property to construct, install, operate, maintain, replace, repair or remove ductbanks consisting of conduits and junction boxes for communication system control, signaling, and electrical power, as shown in the cross-sections attached hereto as Exhibit C and made a part hereof, and for necessary rights of access for the uses permitted hereunder. Upon notice to Port, Muni may allow use and occupancy of the ductbanks by subtenants, including, without limitation, other City departments and agencies, provided that Port shall have the right to approve any plans related to such subtenant use of the ductbanks and further provided that if Muni receives a use fee (or other compensation in excess of reimbursement for Muni's expenses related to the ductbanks) from any such subtenant, Muni shall pay the Port a share of such compensation proportionate to the subtenant's use of the Port Property. For example, if one-tenth of the subtenant's conduit in a ductbank is located within the Port Property, then the Port shall be entitled to one-tenth of the use fee (or other compensation in excess of reimbursement for Muni's expenses related to the ductbank).

7. **Non-Interference.** Port shall have the right to use and enjoy the Property except when such use interferes with the ductbanks or the rights and privileges granted Muni hereunder. Muni will reasonably cooperate to ensure that the ductbanks do not interfere with Port's planned Illinois Street Bridge.

8. **Restrictions on Use; Compliance with Law.** Muni shall not use or permit the Property, or any part thereof, to be used for any purposes other than the purposes set forth in Paragraph 5 of this MOU. Muni, at Muni's expense, shall comply with all laws, regulations and requirements of Federal, state, county and municipal authorities, now in force or which may hereafter be in force, including laws relating to Hazardous Materials, which impose any duty upon Muni with respect to the use, occupation or alteration of the Property.

9. **Maintenance.** Any damage caused by installation, maintenance, repair or any other activity of Muni permitted hereunder shall be repaired and restored to its prior condition upon completion of the installation, maintenance, repair or other activities at no cost to Port.

10. **Insurance.** Muni shall require any subtenant or any agent, or any contractor or subcontractor it hires in connection with its use of the Property, to secure such insurance as is recommended by the City Risk Manager and approved by Port. The Port shall be included as an additional insured in any such insurance.

11. **Indemnification.** Muni shall include the Port as an Indemnified Party in any indemnification provision between Muni and any subtenant or any agent, or any contractor or subcontractor it hires in connection with its use of the Property.

12. **Damages.** It is the understanding of the parties that Port shall not expend any funds due to or in connection with Muni's use of the Property. Therefore, Muni agree to be responsible for all costs associated with all claims, damages, liabilities or losses which arise (i) as a result of the handling of Hazardous Materials on or about the Property by Muni, its agents or invitees, and its contractor's assignees or sublessees, or (ii) out of any injury or death of any person or damage of any property occurring in, on or about the Property which arise as a result of Muni's, or its agents' or invitees', and its contractor's assignees' or sublessees', act or omission, from any cause. The foregoing obligation of Muni shall survive the termination of this agreement. As used herein, "Hazardous Materials" shall mean any substance, water or material which has been determined by any state, federal, or local government authority to be capable of posing a risk of injury to health, safety or property.

13. **Notices.** All notices, demand, consents or approvals which are or may be required to be given by either party to the other under this MOU shall be in writing and shall be deemed to have been fully given when delivered in person to such representatives of Port and Muni as shall from time to time be designated by the parties for the receipt of notices, or when deposited in the United States mail, postage prepaid, and addressed, if to Port to:

Director of Real Estate
San Francisco Port Commission
Ferry Building, Suite 3100
San Francisco, CA 94111

and if to Muni to:

Manager of Real Estate
Attention: Kerstin Magary
Capital Planning and Legislative Affairs
Municipal Transportation Agency -- Muni
1390 Market Street, 4th Floor
San Francisco, CA 94102-5402

or such other address with respect to either party as that party may from time to time designate by notice to the other given pursuant to the provisions of this Paragraph.

14. **Default by Muni.** Failure of Muni to perform any provision of this MOU if the failure to perform is not cured within thirty (30) days after notice has been given by Port to Muni shall constitute a default by Muni. If the default cannot reasonably be cured within thirty (30) days, Muni shall not be in default of this MOU if Muni commences to cure the failure within such thirty (30) day period and diligently and in good faith continues to cure the failure. Upon

default by Muni, Port shall, without further notice or demand of any kind to Muni or to any other person, have the ability to terminate this MOU and Muni's right to possession thereof.

15. **Cooperation.** Subject to the terms and conditions of this MOU, the Port agrees to use its best efforts to do. or cause to be done, all things reasonably necessary or advisable to carry out the purposes of this MOU and Muni's use of the Property contemplated hereby as expeditiously as practicable, including, without limitation, performance of further acts and the execution and delivery of any additional documents.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the date first written above.

AGREED TO AS WRITTEN ABOVE:

CITY AND COUNTY OF
SAN FRANCISCO, a municipal
corporation operating by and through
THE SAN FRANCISCO PORT
COMMISSION

By:_____
DOUGLAS F. WONG
Executive Director

Date: _____
Resolution No.: _____

AGREED TO AS WRITTEN ABOVE:

CITY AND COUNTY OF
SAN FRANCISCO, a municipal
corporation operating by and through
THE MUNICIPAL
TRANSPORTATION AGENCY

By:_____
MICHAEL T. BURNS
Director of Transportation

Date: _____
Resolution No.: _____

EXHIBT A

Map of Property

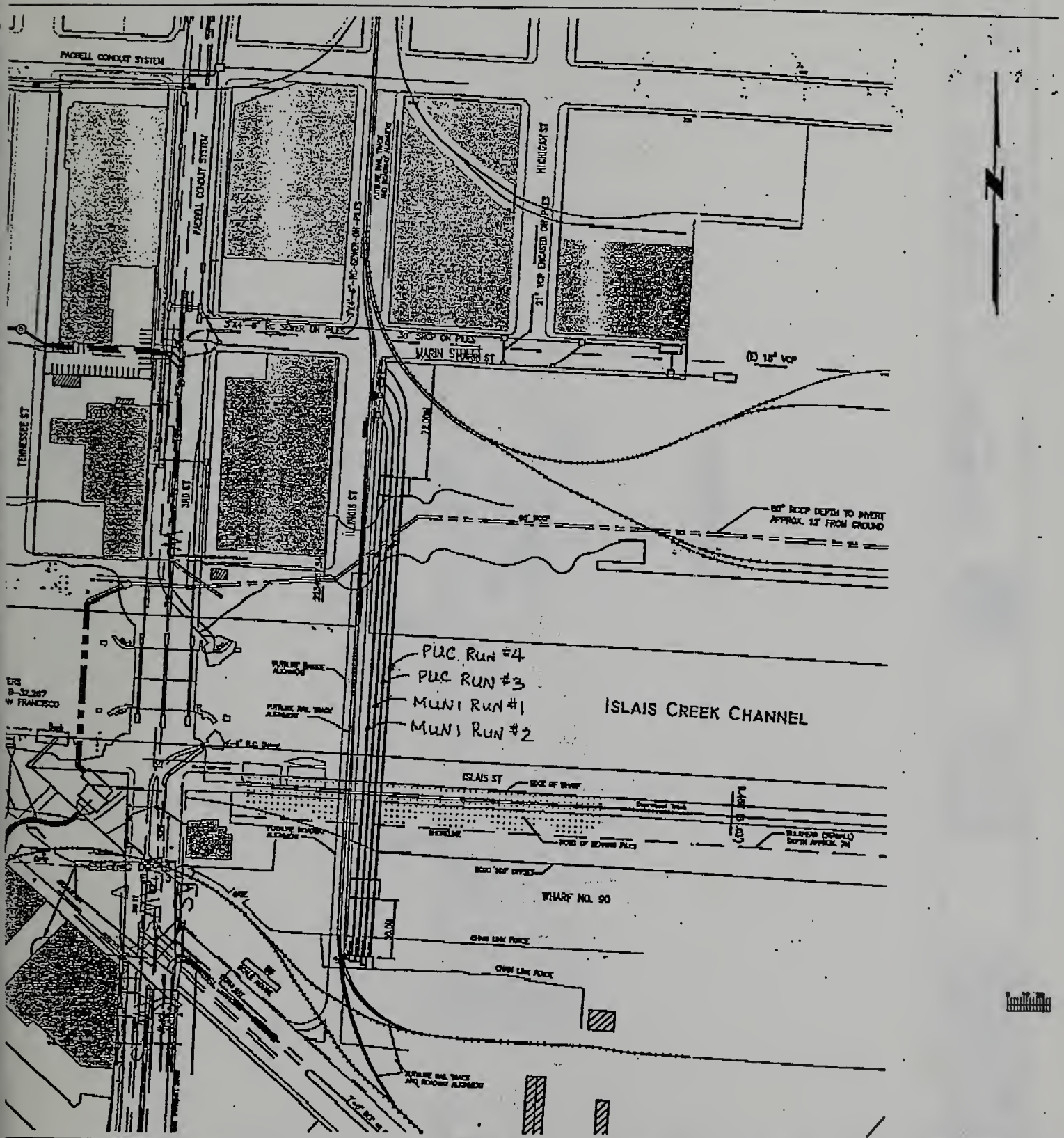
SAN FRANCISCO BAY
Legend
Waterfront Mixed Use Opportunity Areas [a]
Other Maritime Areas
Other Public Access & Open Space Areas
[a] Waterfront Mixed Use Opportunity Areas include any underlying existing and acceptable maritime, public access and open space and commercial areas. See Acceptable Land Use Tables for more detail.
[b] There are two exceptions to the generally-contiguous shoreline property held by the Port between Hyde Street Pier and Islais Basin. Five parcels (and portions of existing and planned streets) which Port jurisdiction are located south of Islais Basin, just north of Candlestick Park; these parcels are identified on the map and Acceptable Land Use Table for the Southern Waterfront subareas. Portions of Certain piers at Hunters Point Shipyard not shown on this map are shown on the Burton Act maps as within Port jurisdiction, but are currently under the control of the Navy; these areas are not included in the Draft Waterfront Land Use Plan because the land use policies included in the Re-use Plan for the Shipyard will apply to these sites.
Map Notes
Freight Rail Use
Indicates condemned piers
Waterfront Plan Project Area Boundary
Seawall Lot
The maps are illustrative only. Please see the Acceptable Land Use tables in Chapter 5 for a complete listing of acceptable permanent uses for each Port site.
ISLAIS CREEK CHANNEL
INDIA BASIN
ISLAIS CREEK

PORT JURISDICTION IN THE VICINITY OF ISLAIS CREEK

EXHIBIT B

Plan and Profile of the Ductbanks

ISLAIS CREEK CHANNEL
ISLAIS CREEK CHANNEL
CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL RAILWAY
MUNI METRO SYSTEM
THIRD STREET LIGHT RAIL PROJECT
22ND ST. TO JERROLD AVE.
ISLAIS CREEK DUCT BANK
SITE PLAN
DB-30
DB-XX
E
M522.C



CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL RAILWAY

MUNI
THIRD STREET
22ND ST.

ISLAIS CRE
SI

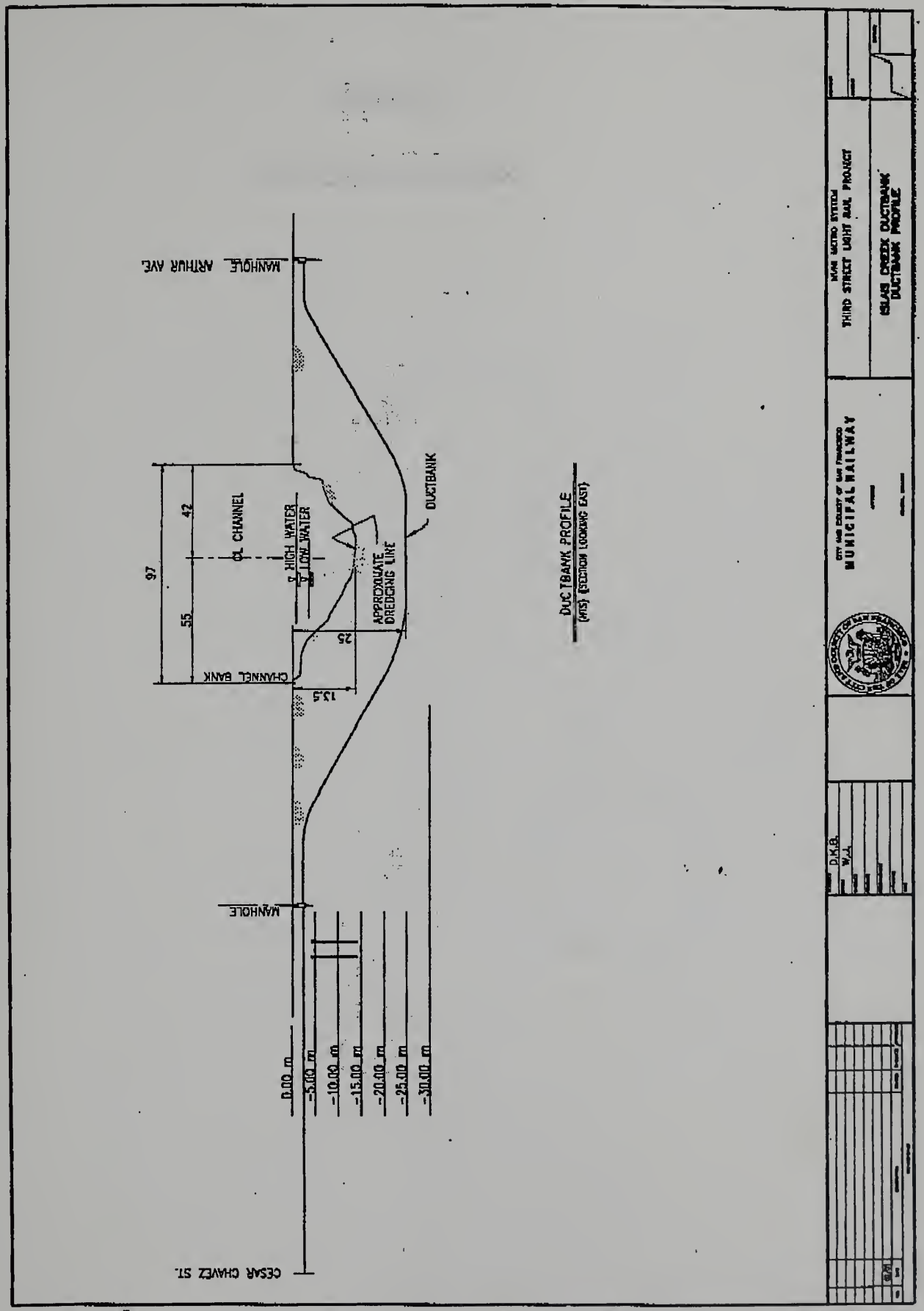
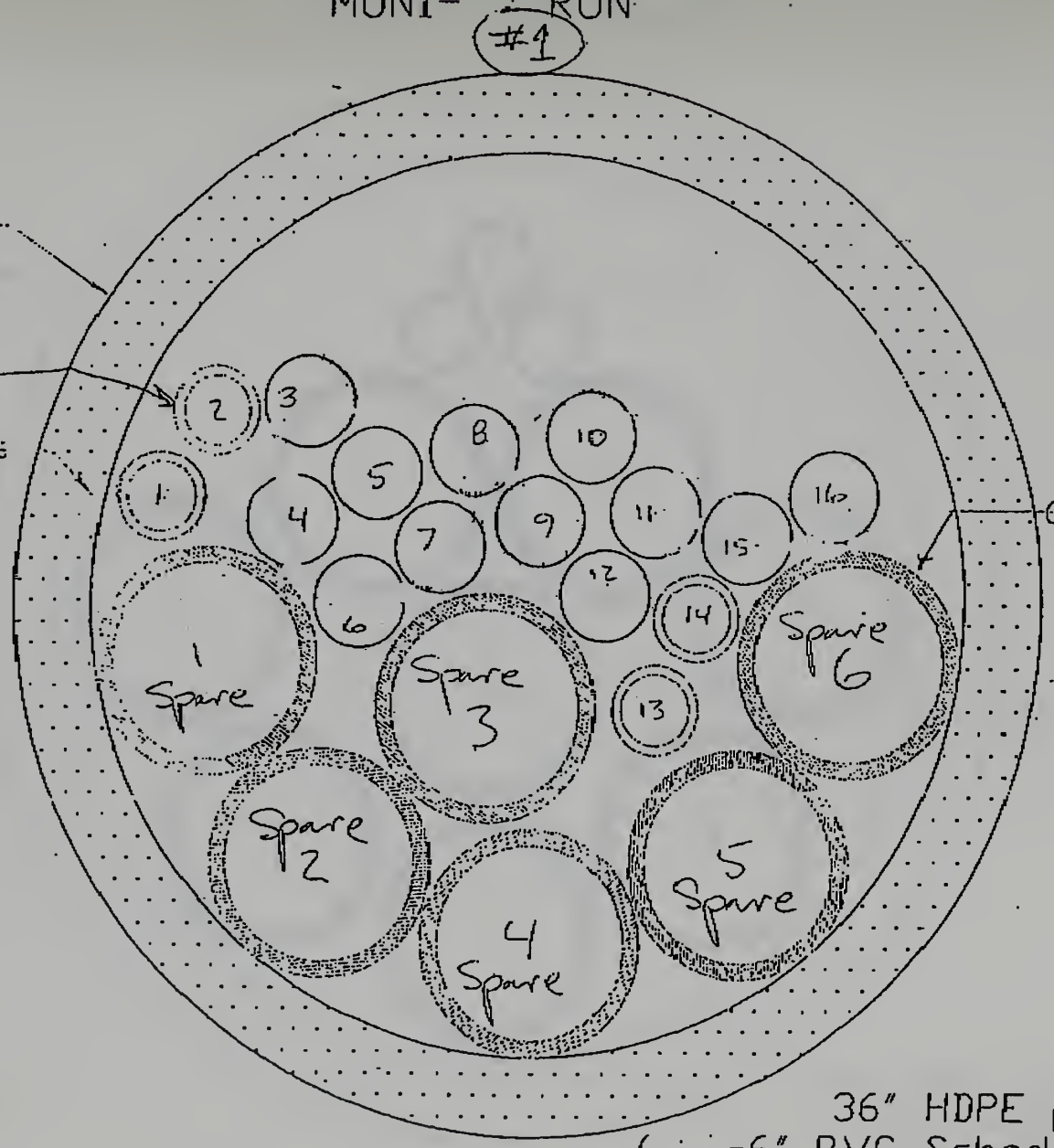

MANHOLE ARTHUR AVE.
42
97
55
℄ CHANNEL
℄ HIGH WATER
℄ LOW WATER
APPROXIMATE DREDGING LINE
DUCTBANK
25
CHANNEL BANK
13.5
DUCTBANK PROFILE
(MS) (SECTION LOOKING EAST)
MANHOLE
0.00 m
-5.00 m
-10.00 m
-15.00 m
-20.00 m
-25.00 m
-30.00 m
CESAR CHAVEZ ST.
MAIN METRO SYSTEM
THIRD STREET LIGHT RAIL PROJECT
ISLAIS CREEK DUCTBANK
DUCTBANK PROFILE
CITY AND COUNTY OF SAN FRANCISCO
MUNICIPAL RAILWAY
D.M.B.
W.J.L.

EXHIBIT C

Cross-Sections of Ductbanks

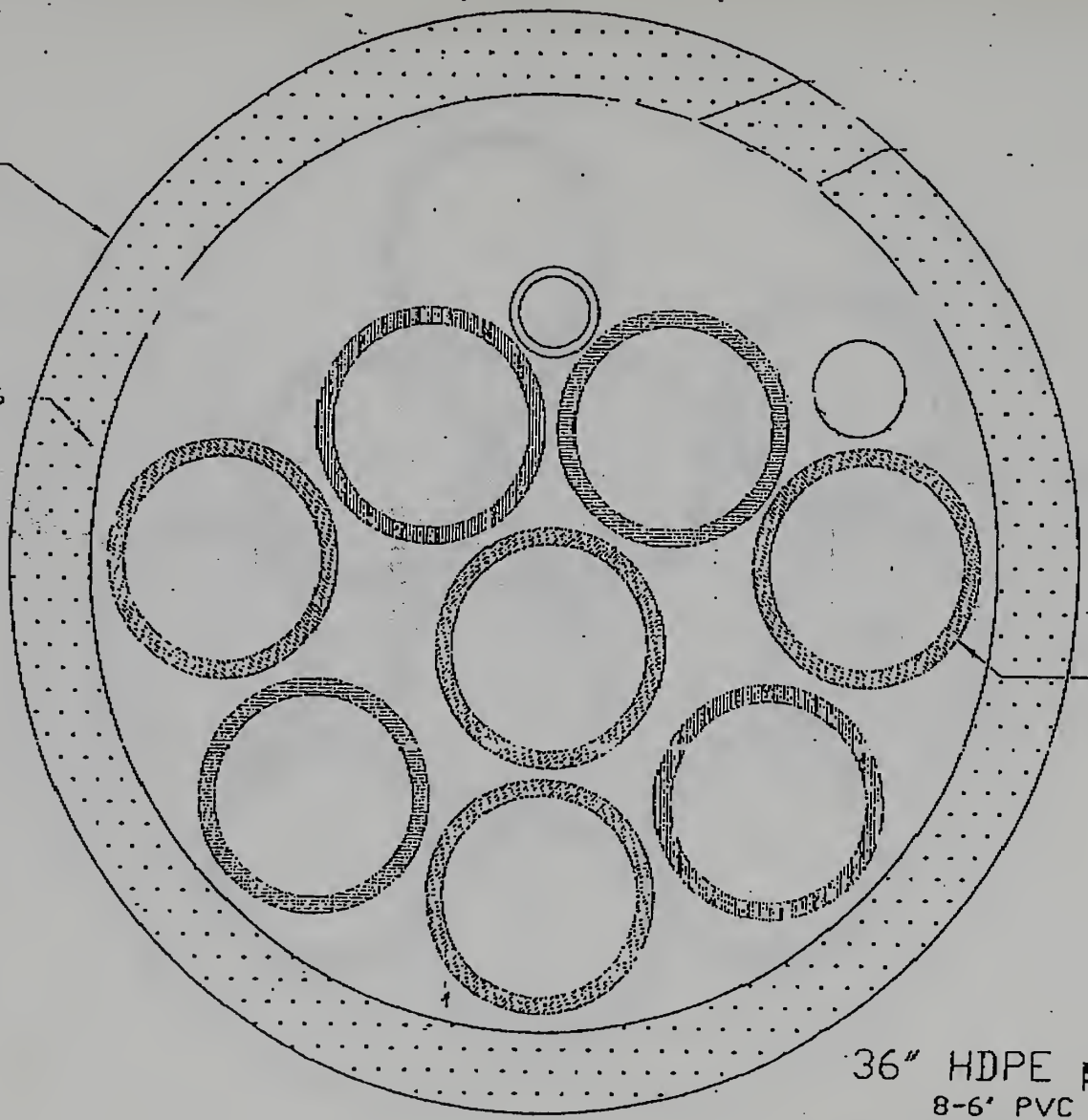
ISLAIS CREEK
MUNI- RUN #1



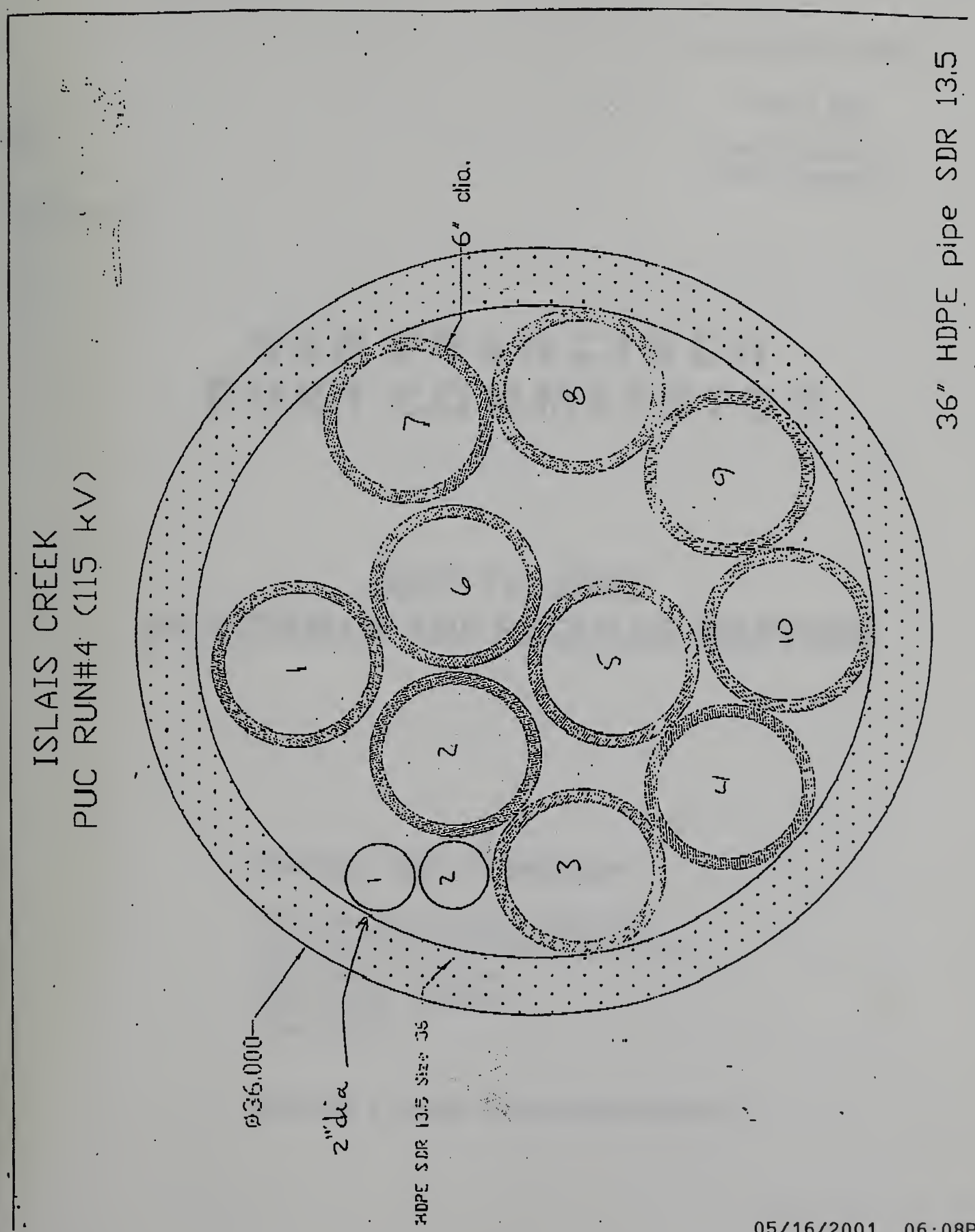
36" HDPE pipe SDR 13.5
6 -6" PVC Sched 40 condults
16 -2" PVC Sched 40 condults

ISLAIS CREEK
MUNI-TP RUN 1 #2
36" HDPE pipe SDR 13.5
8-6" PVC Sched 40 conduits
3-2" PVC Sched 40 conduits
6" dia.
2" dia.
1
2
3
4
5
6
7
8
Ø36.000
HDPE SDR 13.5 Size 36
05/16/2001 06:08PM

ISLAIS CREEK
PUC RUN#3 (12.47 kV)



36" HDPE pipe SDR 13.5
8-6" PVC Sched 40 condults
2-2" PVC Sched 40 condults


ISLAIS CREEK
PUC RUN#4 (115 kV)
36" HDPE pipe SDR 13.5
6" dia.
1
2
3
4
5
6
7
8
9
10
1
2
ø36.000
2"dia
HDPE SDR 13.5 Size 36

SF
355
3
5/22/01

see revised copy

DOCUMENTS DEPT.

JUN - 8 2001

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO
PORT COMMISSION

MAY 22, 2001
MINUTES OF THE REGULAR MEETING

MEMBERS, PORT COMMISSION

HON. KIMBERLY BRANDON, PRESIDENT
HON. BRIAN McWILLIAMS, VICE PRESIDENT
HON. DENISE McCARTHY
HON. MICHAEL HARDEMAN
HON. PIUS LEE

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION

MINUTES OF THE MEETING
MAY 22, 2001

1. ROLL CALL

Commission Vice President Brian McWilliams called the meeting to order at 4:02 p.m. The following Commissioners were present: Brian McWilliams, Denise McCarthy, Michael Hardeman and Pius Lee. Commissioner Brandon was in Las Vegas attending the ICSC Conference with Executive Director Wong and Real Estate Director Terry Picon.

2. APPROVAL OF MINUTES - May 8, 2001 Regular Meeting

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the May 8, 2001 meeting were adopted.

3. EXECUTIVE

A. Executive Director's Report

Chief of Operations Karen Clopton was the acting Director. She reported the following:

- Ferry Building Clock – Due to the renovation of the Ferry Building, the Ferry Building clock will not be operational until next year.

- Hyde Street Commercial Fishing Harbor Grand Opening – Saturday, June 9th
  The Port of San Francisco will hold the grand opening of the new Hyde Street Commercial Fishing Harbor on Saturday, June 9 at 11 a.m. The event will also feature the 4th Annual National Clean Boating Campaign, a daylong celebration of music, exhibits, demonstrations and marine-related festivities that promote clean boating practices. The Port has completed construction of a $7 million commercial fishing harbor that includes 62 additional permanent berths, bringing the total number of berths to 190 for San Francisco's fishing fleet operations. Of significant value to fishermen is a new fuel dock and crew showers. Environmental protection is also improved with the installation of bilge pump-outs and other facilities designed to implement marina best management practices and storm water pollution prevention. With substantial input from the Port's Environmental Quality Advisory Committee and major funding from the State Department of Boating and Waterways, the Port has included numerous "clean and green" features into the design of the fishing fleet's new home. The Port is grateful to the Mayor's Office and Senator John Burton who helped secure State budget money to cover the costs of improving water quality in the harbor. Senator John Burton, Mayor Willie Brown and the San Francisco Port Commission and the

Fisherman's Wharf community as well as the general public are invited to participate in the grand opening ceremony. The location for the ceremony is next to Hyde Street Pier off Jefferson Street in Fisherman's Wharf.

4. OPERATIONS

A. Informational Presentation on the Priority Guidelines for the Port of San Francisco.

Chief of Operations Karen Clopton presented the item and requested Commission's input regarding the Priority Guidelines. This item would be subsequently presented to the Commission for approval at a later meeting.

Commissioner Lee asked about the prevention of dangerous conditions on the waterfront. Ms. Clopton replied that the Port would first put its resources into life-threatening situations. Keeping an area safe would be the Port's first priority.

Commissioner Lee asked what constitutes a dangerous situation. Ms. Clopton replied that on the Port's 7-½ mile property, a dangerous situation could occur inside a building that is in imminent danger of collapse or a falling pole that could fall onto somebody or it could be a slip and fall issue; something that would cause bodily injuries.

Commissioner McWilliams asked why the priority guidelines were developed. He asked if problems were identified. Ms. Clopton replied that the priority guidelines were developed as a tool to assist Port staff when faced with the need to prioritize work. The priority guidelines would enhance communication as well as teamwork.

In response to Commissioner McWilliams' inquiry whether the guidelines would be included in the employee's manual, Ms. Clopton replied affirmatively.

Bill Kedem, NEWR, spoke about the safety priority. He has raised the issue of skateboarding on Port property through letters to the Commission as well as in Commission meetings. The signs are up at Pier 7 but the ordinance is not being enforced. He asked about the Port's position on this matter.

Ernestine Weiss spoke on the same subject. With the renovation of the Piers 1-1/2, 3 and 5, she asked for the immediate removal of the concrete blocks to deter the skateboarders. The skateboarders not only present a danger to the community but a nuisance as well.

Ms. Clopton indicated that enforcement of the ordinance is a police matter. Port staff continually request the police department to confiscate the skateboards and to increase police presence in the area.

5. CONSENT CALENDAR

A. Request to authorize staff to proceed with the process of vacating a portion of The Embarcadero located between Mission and Market Streets. (Resolution No. 01-34)

ACTION: Commissioner McCarthy moved approval; Commissioner Hardeman seconded the motion. All of the Commissioners were in favor; Resolution No. 01-34 was adopted.

6. MARITIME

A. Request for approval of amendments to the Port Tariff No. 4 Section 8 Fishing Industry pertaining to the operations of the new Hyde St. Harbor. Resolution No. 01-37)

John Davey, Maritime Operations Manager, presented the item and requested Commission's approval. He thanked Hedley Prince, Brad Gross, the Fisherman's Wharf Advisory Committee and Bob Miller from the Crab Owner's Association for their work and efforts on this matter.

Commissioner McWilliams commented that he received a number of calls regarding this matter. He inquired about the impact of the approval of this item being deferred to the next meeting. Mr. Davey replied the Hyde Street Harbor would be opened on June 1st. These amendments have been presented to the Fisherman's Wharf Advisory Committee since December and were made available to the fishermen. In the last two weeks, he has not received any calls or comments about the amendments. To put this item off to another meeting would put the opening of the Hyde Street Harbor in peril.

Commissioner McWilliams indicated that he received numerous complaints about the Port not talking to the greater fishing community. Perhaps, the Crab Boat Owners Association shouldn't be speaking for the fishing community in general. Mr. Davey commented that the fishing industry is characterized as a very independent and owner operated type of industry and to seek out a spokesperson would not be feasible. The public is apprised of the harbor's daily activities at the wharf. Port staff has asked the fishermen and users of the harbor for their input on a daily basis.

Commissioner McWilliams pointed out that this information in its current form has been out for less than a week and the fishermen are slow to react. Mr. Davey indicated that although this item in its current form has only been out for less than a week, the rules were initially published and brought to the committee in December. Changes were made between December and March.

Commissioner McWilliams indicated that although he does not anticipate any problems, many people would not see the amendments until after the Commission's approval. Mr. Davey commented that staff was open to constructive criticism and would be amenable to revisit this item if further amendments are necessary.

Commissioner McCarthy commented that she's received nothing but positive feedback from the committee and the fishermen about the process and Mr. Davey's work. She was reluctant to defer this item due to the imminent opening of the harbor; the rules should be in place before the opening. In the past, the fishermen usually attend Commission meetings to voice their opinions on issues that are important to them. No one from the committee or the fishermen community showed up to present their concerns.

Commissioner Lee asked for clarification of the berth assignments. John Davey explained the berth assignment. The berth agreement codifies that assignment into an agreement signed between the Port and the berth holder that outlines all their obligations, liabilities and limitations. The Port's existing rule that does not allow subletting of berth assignments.

ACTION: Commissioner Hardeman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; Resolution No. 01-37 was adopted.

B. Request for authorization to use the Hyde Street Harbor Parking Rules and Regulations, the Hyde Street Harbor Parking Permit Application and to charge a fee of $25.00 per month for a parking permit. (Resolution No. 01-38)

John Davey, Maritime Operations Manager, presented the item and requested Commission's approval.

Commissioner Hardeman asked if the 72-hour time limit is the general practice in the area. Mr. Davey replied that it is the general practice but staff would be amenable to an extension of time if the users notify the Port in advance. The time limit is set at 72 hours so the area wouldn't turn from a parking lot to a parking storage area.

Commissioner Lee asked about the cost to maintain the parking lot and whether the Port would receive any profit. Mr. Davey replied that projections of the ongoing maintenance of the park is not available since it is a brand new operation. The administration of the parking lot would be part of the Harbor Office at Fisherman's Wharf. The day-to-day administration would be performed by the Department of Parking and Traffic. The $25 fee is a reasonable rate for the area and could likely result in revenues for covering the ongoing maintenance. The Port would not lose any money in the operation that is why it was decided to assign a fee to the parking lot rather than be part of the berth.

Bill Kedem commented that the $25 fee is extraordinarily low, especially in the Fisherman's Wharf area.

ACTION: Commissioner Hardeman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; Resolution No. 01-38 was adopted.

C. Informational Presentation of the Draft Maritime Cargo and Industrial Land Use Study.

Peter Dailey, Director of Maritime, indicated that the Port of San Francisco has one of the most diverse maritime business portfolios of any Port in the United States. The Port is involved in various modes of cargo shipping, harbor services, ship repair, warehousing, commercial fishing, ferry boats, cruise ships, etc. In recent years, the Port has had many competitive demands by non-maritime related interests for maritime-designated facilities. The Commission was concerned with this and in 1999,

adopted a resolution asking that a Maritime Commerce Advisory Committee (MCAC) be established to work with Port staff to develop a Maritime Industrial Plan for the Port. The MCAC was formed consisting of members of the Port's cargo and industrial customers, organized labor, marine terminal operators, shipping users, harbor service companies, warehouse and ship repair operators. A scope of work was defined for the Maritime Industrial Plan. An RFP was issued and the consultant team consisting of Sedway Group, Martin Associates and Jordan Woodman Dobson was chosen to develop the plan.

Mr. Dailey indicated that the primary objective of the Study was to assess the viability of the Port's maritime and industrial land uses as they relate to market conditions and the need for Port land or space along the San Francisco waterfront to accommodate the projected markets. While pursuing this end, the Study identified strategic and vital ancillary services that are along the Port's waterfront properties. The study components included:

(1) Maritime Cargo Market Assessment: Although the Port's position as a leading cargo center has changed over the years, the Port turned itself around by marketing its services to small and medium container lines. The container operations were stabilized to a certain extent. However, the container operations are very volatile, depending on world trends and other facilities. In recent months, the Port has seen some business reversals based upon the Port of Oakland's expansion of its container facilities. The analysis for the containerized cargo suggested an annual growth rate of 3% and in 10 years, volumes would increase up to approximately 61,800 TEUs. Over the last 30 years, the Port had its peaks and valleys. The consultants did not see any major increase in the amount of break bulk cargo available for the Port. In their analysis, they found that there would be a dramatic opportunity for dry bulk cargo; nearly 8% annual growth rate in the next ten years. The Port has a liquid bulk facility at Pier 90/92 which handles approximately 50 tons a year and the consultants believed that would remain stable for the next ten years. The study recommends keeping Pier 80 as the primary container general cargo facility and a portion of Pier 96 in reserve for any potential market growth. Pier 80 is the premier multi-use general cargo container facility in the bay. It has covered storage and container cranes. The consultants found no definitive opportunities for new break bulk cargo. The MCAC and the Port's customers did not agree with that finding and asked for further study. New or expanded facilities are needed to handle the expected growth in dry bulk cargo at the Port. Current facilities should be able to accommodate the anticipated growth in liquid bulk cargo.

(2) Ship Repair/Dry Dock Assessment: Ship repair and dry-docking services remain among the most viable growth opportunities for the Port. Pier 70's dry dock is the largest on the West Coast and can handle many of the largest vessels. The Port should continue to maintain ship repair and dry-dock capabilities at Pier 70.

(3) Bay Area Warehouse Assessment: Recent projects along the San Francisco waterfront have put redevelopment pressure on Port property and the land adjacent to it, causing warehouse space to be converted into more profitable uses. There is a shortage of warehouse space near the San Francisco waterfront. The Port should

negotiate agreements among all interested parties for the development of warehouse space on its property.

(4) Other Ancillary Uses consisting of harbor services, labor and other types of maritime operations: Mr. Dailey indicated that the ancillary uses are vital; they include layberthing, tug and tow operations. The Port is the harbor service capital of Northern California's maritime operations. The Port has six to seven MARAD vessels on berth at any given time, generating a $1 million annual rent to the Port. Bay and Delta is one of the tug operations in the northern waterfront. Westar at Pier 50 has a 10 year lease and would be busier than they have ever been. Because of the Port's central location in the Bay, cargo/vessel-related services are economical for the whole region. The Port will remain the epicenter of the harbor service business in Northern California.

(5) Facility Assessment: The consultants looked at the Port's facilities to ensure that there are enough facilities to meet the throughputs and projected cargo and activities through the next ten years. The study indicated that the three existing dry bulk facilities at the Port would be unable to meet the future expectations and anticipated growth of dry bulk commodities at the Port. The Port should set aside approximately a minimum of five acres of additional land for terminal expansion or addition and some provisions should be made for the possible land banking of Port property and facilities for potential opportunities beyond 2010.

(6) Conclusions: The current facilities at Pier 80/94/96 provide infrastructure, deep-water access, good road and rail access, and represent one of the last industrial site opportunities for the Port. Pier 80 should continue to be the Port's primary container/general cargo terminal and a portion of Pier 96 should be held in reserve for future growth. The Port should continue its diversification into dry bulk, giving its cargo shipping industry a needed stable commercial foundation. While the Port has not been blessed with the best geography in terms of shipping and distribution of cargo as a peninsula Port, the uniqueness of its facilities and its proximity to one another works well for future opportunity particularly in diversified cargo mix. The Port should consider the backlands of Pier 94/96, with its proximity to ocean terminals, airport, highway/rail and downtown, as a possible development opportunity site for warehousing and assembly/distribution facilities.

Port staff made a presentation to the Southern Waterfront Advisory Committee (SWAC) pertaining to the Maritime Industrial Plan. The SWAC approved a motion rejecting the Redevelopment Agency Bayview Hunters Point Concept Plan proposal for open space on Port property in favor of maritime uses in the 94/96 backlands area as recommended in the Maritime Industrial Study. The consultants were excited about the commercial opportunities.

Pier 48 has wonderful attributes pertaining to maritime industrial uses that has excellent layberthing opportunities, warehousing, and would fit into the Port's maritime industrial needs in the central southern waterfront. The consultants had difficulties in thinking that it could be used for deep-sea ocean-going vessels at the cargo terminal. They want it to remain as a maritime industrial facility and all berths to be used. Pier 70 should remain as a ship repair facility. The Amador

Street bulk cargo corridor should be taken advantage of and develop to meet the needs of this growing industry. The Port should continue to expand facilities on the southern waterfront to accommodate value-added services, warehousing and Foreign Trade Zone opportunities. The Foreign Trade Zone has moved into a portion of Pier 50 on a short-term license to handle import distribution from China. This is the of opportunity that the consultants see as an opportunity for the Port in the next ten years.

The Illinois Street Bridge project which is proposed and getting closer towards its resolution, is an important facility for the Port. It will tie Pier 80/94/96 as well as 90/92 into one basic facility. It would make rail operations more streamlined. It would allow for the trucking of containers between the two terminals and would make it more marketable. The consultants think that this is a real opportunity for the Port to further enhance its commercial position.

The consultants recommended continuing to market the Port as a layberth facility. The layberthing of ships at the Port feeds its harbor service operations. Specifically, the consultants suggested investigating capital investment to maintain its berth facility and look at Pier 70 as a possible location for capital improvements.

The study has addressed the market based needs for Port facilities and validated the need to keep existing maritime facilities while forecasting needed expansion areas for warehousing and cargo growth. Based on the study and the comments received from the Maritime Commerce Advisory Committee, staff recommended the following actions:

- Use the study as the Port's recommendations for the Bayview Hunters Point Concept Plan.
- Based on comments from the Maritime Commerce Advisory Group, conduct further market analysis of potential break bulk opportunities not addressed in the study including fresh fruit, newsprint and steel, and to determine any real future opportunities in this area. The MCAC did not agree with the consultants report and did not want staff to do further analysis on that opportunity.
- Tie in Economic Impact Study results showing economics benefits to San Francisco and further elaborate benefits to community from maritime activities. The MCAC felt that due to the variety of different maritime uses on the waterfront, sometimes the critical mass is hard to see. This report shows that there is a thriving viable maritime industrial base in San Francisco. The MCAC was concerned that this report was not enough in telling people of this fact. They would like the Economic Impact Study be tied specifically to these industries and use this tool to show San Franciscans the economic benefits that could be created from these activities and from the possible future expansion capabilities of these industries.
- Further study warehousing opportunities for the development of the backlands of Pier 94/96.
- Develop and implement marketing plan for cargo growth as called out in the plan.

Mr. Dailey indicated that the growth in the bulk cargo operation is great news and looked forward to taken advantage of those opportunities. The consultants were emphatic about the tremendous warehousing opportunity.

Commissioner McCarthy asked about the union issues and whether staff was looking into the matter. Mr. Dailey replied that the Port of Oakland took over the Naval Supply Center and obtained thousands of sq. ft. of warehouse space that were primarily non-union operations. Port staff has been successful with Local 6. The Foreign Trade Zone is expanding their operations and employs union members. There are jurisdictional issues within the ILWU pertaining to Local 6 versus Local 10. He and Commissioner McWilliams have met and continue to meet with the leaders of both unions to explore opportunities to possibly grow the business to benefit the union and the Port. The Port is actively discussing with the executive board of Local 10 the possibilities to expand.

Commissioner McCarthy asked about the comments from the MCAC. Mr. Dailey replied that the consultants pointed out the volatility of the maritime industries. From the moment they began and ended the report, there were a number of commercial activities that transpired. Carl Hanson's facility has gone through a number of issues which altered the commercial impacts to the facility. Although the study pointed out a 3% annual growth at Pier 80 next year, the Port would actually have a decrease in business. Overall, the concept was good but the MCAC did not agree pertaining to the break bulk market and asked the Port to study it further. Port staff will continue to meet with the MCAC monthly.

Commissioner McWilliams was glad to hear that the SWAC did not support the proposal to take the Port's best maritime facility out of marine resources. He was glad to hear that SWAC took a definitive position on that matter. He further commented that there would be increased cargo opportunities on the West Coast. Even the most conservative estimates indicate that cargo opportunities would increase substantially over the next twenty years. Staff is doing an important job and he appreciated the work that staff has done.

Commissioner Hardeman concurred with Commissioner McWilliams' comments that we need to hang onto any maritime sites as long as possible. The public has already expressed their dislike for more open space.

Peter Dailey indicated that the SWAC, by a resolution, asked Port staff to continue working with the community and the Redevelopment Agency towards any opportunities that might present themselves for any open space. He concurred with the committee that if there are some opportunities for the Port to find some space after the planning process particularly in the backlands would be a good idea. The SWAC were primarily looking for economic development jobs.

Commissioner Hardeman indicated that since the economy is questionable right now, any commitment to open space is not the wisest thing to do.

Commissioner McCarthy indicated that in the conclusions, the consultants recommended that Pier 48 should not be designated as a marine terminal facility

although it is well suited for maritime support. She asked about the history of Pier 48. Mr. Dailey replied that it was and is still designated in the BCDC's Seaport Plan as a break bulk cargo terminal. Based on the analysis of commercial cargo movement, the consultant found that any significant break bulk cargo movement could be handled at Pier 80 primarily and that Pier 48 would be an excellent long-term site for maritime operations such as tug-boat, tow boat and small package deliveries. Ocean-going, deep vessels would not be feasible for Pier 48.

Commissioner Hardeman commended staff for their excellent work. The study was helpful not only to the Commission but other interested parties as well. Mr. Dailey thanked Jill Simpson for her efforts on this project.

Commissioner McCarthy indicated that one of the issues that MCAC raised was dredging. She asked about the status of the dredging projects. Mr. Dailey replied that dredging is critical and it is an expensive proposition. The Port spent $2.3 million on dredging in the last three years alone. Dredging is an ongoing project at the Port.

7. PLANNING & DEVELOPMENT

A. Approval of Locations for Public Service Kiosks by JCDecaux San Francisco Inc. along The Embarcadero between Bay Street and Second Street. (Resolution No. 01-39)

Kari Kilstrom, Planning & Development, presented the item and requested Commission's approval.

Bill Kedem, NEWR, submitted a letter to the Commission indicating that Kiosks #3 and #6 are proposed to be permanently located at intersections that are rated "F" according to the Waterfront Land Use Plan EIR. An F intersection is unacceptable, according to any City traffic planner's definition. The EIR indicates that mitigation measures are required to smooth out these intersections due to the development projects already approved for the waterfront such as the cruise terminal at Piers 30/32 and the recreational project at Piers 27-31. There would be considerable street work required at those intersections and it would be imprudent to approve locations at those two locations when those kiosks would have to be moved in the future and could be a hazard as well. The kiosks should be directed toward public service instead of advertisement.

David Osgood, President of the Rincon Tenants Association, indicated that there still remains quite a bit of concern about the park both from merchants and residents. He gave the Commission a quick comparison of the original RFP and the current proposal showing how the restaurants have been allowed to expand. He showed the Commission the developer's rendering and what people walking along the Embarcadero would see. He pointed out that the sculpture is going to be 60 feet high, same height as the sculpture at South Beach Park. It was his understanding that the decision to choose the Decaux approach was made by two people, one from the Agency and one from the developer. There were no Port people involved. He suggested that Port staff approach the GAP and seek input from their park developers.

Rick Dickerson, Chairperson of Rincon Point South Beach CAC, apologized for the lateness of their request. He requested that the Commission agree to put on hold for a period of six months a decision regarding the public restroom that is to be included in Rincon Park. The CAC members have been reluctant to allow advertising kiosks along the southern Embarcadero as required to obtain a JCDecaux toilet in Rincon Park. The CAC voted unanimously at their meeting to remove their recommendation of the placement for the five JCDecaux kiosks and requested additional six months to work with Port staff and the Redevelopment Agency to find a better solution to the restroom issue.

Vicki Simon, South Beach Resident, supports bathrooms in the structure at the park and no advertising in the neighborhood. She felt strongly about that the residential integrity of the neighborhood be preserved. She asked the Commission to take their comments into consideration and allow them more time to get the bathroom in the structure itself. She pointed out that the original design for development put forth by the Agency included bathrooms in the park. Both the developers and the restaurant owners should have taken that into account.

Deborah Kanarck, attorney and property owner at Delancey Street, supported the CAC's request to extend the time to find a solution to the problem. At a minimum, she believed that the #1 and #2 locations are inappropriate because of the narrow sidewalks. She noted that in the South Beach Park, there are public bathrooms that are open, clean and safe and similar facilities could be placed at Rincon Park.

Jeffrey Leibovitz indicated that early on in the design of the park, negotiations called out for a restroom not to be placed in the restaurant facilities. It would be provided for by the Agency's funding and possibly by tax money that the restaurant would provide. The restaurant does not want the restroom for obvious reasons. If they are successful in keeping the kiosks off the waterfront, it would be the last vestige of pristine waterfront in San Francisco. They asked for the six-month delay because they believe that given the financial circumstances facing the restaurants, the Port might end up with a different operator who may have a different philosophy or idea about what they want to do. There is also the undertaking of the firehouse, a public facility, which is adjacent to the park. That should be given some thought and consideration as to whether or not a public restroom similar to the one at Pier 40 is more appropriate than a JCDecaux restroom in the park or the kiosks along the waterfront. They asked for the delay in hopes that they could come up with a better solution for the public's benefit.

Louise Bird indicated that the decision on the "toilet" question should be delayed because of its controversy. It was well known that the toilet was a problem. A police report states that paid toilets are a problem; they solicit activities, drug dealing, camping out, etc. Perhaps the best way to have toilets in parks is inside a recreation center or inside a restaurant. She suggested that more time is needed to get the right decision.

Ernestine Weiss concurred with the previous speakers that this project should be delayed for a six-month period. The waterfront is beautiful as is and it should be left alone.

Victor Veysey, operator of Bike Hut at South Beach, provided the Commission a copy of his suggestions to resolve the restroom problem at Rincon Park.

ACTION: Commissioner Hardeman moved approval to defer this matter for an undetermined amount of time as a courtesy to the Rincon Point-South Beach neighborhood who has been very cooperative with the Port. Commissioner McCarthy seconded them motion.

Commissioner McWilliams inquired about the impact of deferring this item for that period of time to the park and restaurant projects and any other projects in the neighborhood. Ms. Kilstrom replied that BCDC issued a permit for the park. As a condition to the approval, BCDC required a JCDecaux toilet for the park. All of the BCDC conditions and Port design conditions need to be satisfied.

Commissioner McCarthy indicated that the original plan was to have the restroom in the restaurant but it was changed to a JCDecaux facility. She suggested that we need to figure something other than a JCDecaux facility so that we don't have to accept or deal with the advertising kiosks.

Commissioner McWilliams indicate that he has had personal experiences related to providing public facilities to the public. He was responsible for the building at 4 Berry Street which had public facilities available to anyone who wanted to use them. He was also responsible for taking care of the International Headquarters on Geary and Franklin Streets where public facilities were available. A fair amount of time was spent in making the place presentable because they were very often used as toilets. Facilities were not available for people. It is important that a facility be provided in this park, it was part of the whole design. It is unfair to think that the operator of the restaurant would be expected to maintain the facility. The reality is none of these facilities, except a JCDecaux facility, are open 24-hours a day and available to people when they need them. There is no other commercial facility that would answer those kinds of issues. As a port, this gets dumped into our laps. There's no way to mitigate some issues for the rest of the City without any consideration of how we're going to pay for them unless JCDecaux answered all of that. It's the only solution; a solution that is not incorporated into a restaurant. We are having a hard time in getting anybody to pencil it out to take that added burden of maintaining something that would probably interfere with our business. Any comments about incorporating a restroom into a facility is not a viable solution and he would not support that. Practically speaking, it could not happen. The issue of funding was not available to the Port. Short of coming up with paying for the facility and maintaining it ourselves or developing some other liability to the City that is based on results on other places like Golden Gate Park is not going to work. This is the only solution that is viable. Changing that now puts at risk some of the negotiations that are going on such as the restaurant, the park and our ability to follow through on creating something that is good for the City. He is in support of the resolution, of the proposal that is before the Commission. Putting it off would put the other projects in jeopardy.

Commissioner Lee indicated that perhaps the Port should only have two kiosks instead of five. He asked if there's any way we could negotiate for two kiosks and put them in locations that would be more acceptable to the community.

Ms. Kilstrom replied that the City contract with JCDecaux requires that for each one automatic toilet installed a total of 4.5 public service kiosks be installed on City property. Under the contract terms, JCDecaux installs and maintains the public toilets and public service kiosks on City property at no cost to the City.

Commissioner McCarthy commented that this is almost the same situation as in the Marina District. Rec & Park was responsible for the bathroom in that area. It would seem that would be the best solution; some kind of a free standing facility and staff would have to figure out how it would be operated and be cleaned and kept cleaned. The Embarcadero looks pristine and putting the kiosks there would not be a good idea.

Commissioner McWilliams inquired if putting this off for four months; would this impact the amendments made with BCDC and the Agency.

Ms. Kilstrom replied that the Gap is poised to get started with the construction of the park within the next couple of months but they would be hesitant to move forward with the park if there are uncertainties about the entitlements, if there are permit conditions that haven't been satisfied and if there are some ambiguities about whether how they will end up being satisfied, particularly if the solution is that a free standing building needs to be constructed. It's not clear how that would be paid for. The rest of the park is paid for by the Gap. It could add to their cost.

Commissioner McCarthy asked about the cost to operate the restroom and whether there would be a way to negotiate something with the Gap, the Agency and the Port to look at maintaining the restroom. Ms. Kilstrom replied that the Agency considered the maintenance cost because they are responsible for maintaining the park and their position has been that a free standing restroom is not the best solution because of the expense of maintaining it in a way that would be up to their standards. They have already talked to their maintenance contractors for Yerba Buena Gardens about the kind of manpower that would be required.

After further discussion, Commissioner Hardeman moved approval to amend the motion to provide at a minimum a four-month period or sooner for staff to review the matter further and come back to the Commission with a recommendation, taking into consideration the speakers' requests. Commissioner Lee seconded the motion.

8. ENGINEERING & MAINTENANCE

A. Request for authorization to execute Fourth Amendment to Professional Services Agreement No. SA3960018, "Design of Pier 52 Public Boat Ramp and Public Access," with Arcus Architecture and Planning for additional design and construction management services. (Resolution No. 01-36)

Ken Chu, Engineering Department, presented the item and requested Commission's approval.

Commissioner McCarthy inquired about the Maher Ordinance Study. Mr. Chu replied that a project requiring an excavation of more than 50 cu.yd. would require a Maher

Ordinance Study. It would clear out potential hazardous materials. Mr. Lee added that the Maher Ordinance Study is for the protection of the construction worker. This study is included in all construction contracts and it includes environmental hazardous wastes or contamination in the soil. Anytime we disturb soil for construction project, we need to meet the requirement of the Maher Ordinance.

ACTION: Commissioner Hardeman moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; Resolution No. 01-36 was adopted.

9. REAL ESTATE

A. ~~(1) Request for Approval of Assignment of Lease No. L-7493, dated May 1, 1970, for premises located at 286 Jefferson Street (Castagnola's Restaurant) from Lolman Enterprises, Inc. and Andrew Lolli to Lolman Associates, a California General Partnership, (2) Request for Approval of Sublease from Lolman Associates to Lolman Enterprises, Inc., and (3) Request for Approval of Assignment of Lease, dated May 1, 1970, for premises located at 286 Jefferson Street (Castagnola's Restaurant) from Lolman Associates, a California General Partnership, to Castagnolas, LLC, a California limited liability company. (Resolution No. 01-35) (Staff report provided to the Commission.)~~ **This item was taken off calendar.**

B. Adoption of Findings under the California Environmental Quality Act and Approval of three (3) Memoranda of Understanding between the Port and the Public Transportation Commission (MUNI) for right-of-way in the northern half of Third Street Light Rail Project Alignment that will authorize: (1) a transit power substation on Port property in the Mission Bay South development (Resolution No. 01-40); (2) ductbanks under Mission Creek near the Fourth Street Bridge (Resolution No. 01-41); and (3) ductbanks under Islais Creek near the Islais Creek Bridge (Resolution No. 01-42).

Phil Williamson, Senior Property Manager, presented the item and requested Commission's approval.

ACTION: Commissioner Hardeman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; Resolution No. 01-40, 01-41 and 01-42 were adopted.

10. NEW BUSINESS / PUBLIC COMMENT

11. EXECUTIVE SESSION

ACTION: Commissioner Hardeman moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor.

At 6:20 p.m., the Commission withdrew to executive session to discuss the following:

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING AND ANTICIPATED LITIGATION MATTERS (DISCUSSION ITEMS):

a. Discuss existing litigation matter pursuant to subdivisions (a) and (d) of the California Government Code Section 54956.9 (1 case).

- F. Alioto Co. v. CCSF; Superior Court Case No. 318360.

b. Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (3 potential cases).
X As Defendant __ As Plaintiff

- As Defendant: Two licensees and one lessee at Wharf J-3 have informed the Port that they have claims for damages and/or injunctive relief relating to the Port's alleged failure to repair or maintain the substructure of wharf J-3 or the fish processing building located at wharf J-3.

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.
This session is closed to any non-City/Port representative. *

a. Property: 1201 Illinois Street, between Humboldt and 23rd Streets
Person Negotiating: Port: Byron Rhett, Director of Planning & Development and Mark Lozovoy, Asst. Deputy Director of Real Estate
*Potrero Power Plant (Mirant Americas Development, Inc.): Mark Harrer

b. Property: Seawall Lot 352
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Pacific Cement: Rick Ramirez

c. Property: Pier 38
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Pier 38 Maritime Rec. Center: Carl Ernst

d. Property: Pier 28
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*J. Kennedy, Inc.: Jim Kennedy

e. Property: Pier 30
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Red's Java House: Steve Riley

f. Property: Piers 70
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Waste Resources Technologies:. Jack Isolo

12. RECONVENE IN OPEN SESSION

At 7:30 p.m., the Commission reconvened in open session.

ACTION: Commissioner Hardeman moved approval to not disclose any information

discussed in executive session; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 7:30 p.m.

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PORT COMMISSION

MAY 22, 2001
MINUTES OF THE REGULAR MEETING

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DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION

MINUTES OF THE MEETING
MAY 22, 2001

1. ROLL CALL

Commission Vice President Brian McWilliams called the meeting to order at 4:02 p.m. The following Commissioners were present: Brian McWilliams, Denise McCarthy, Michael Hardeman and Pius Lee. Commissioner Brandon was in Las Vegas attending the ICSC Conference with Executive Director Wong and Real Estate Director Terry Picon.

2. APPROVAL OF MINUTES - May 8, 2001 Regular Meeting

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the May 8, 2001 meeting were adopted.

3. EXECUTIVE

A. Executive Director's Report

Chief of Operations Karen Clopton was the acting Director. She reported the following:

- Ferry Building Clock – Due to the renovation of the Ferry Building, the Ferry Building clock will not be operational until next year.

- Hyde Street Commercial Fishing Harbor Grand Opening – Saturday, June 9th
  The Port of San Francisco will hold the grand opening of the new Hyde Street Commercial Fishing Harbor on Saturday, June 9 at 11 a.m. The event will also feature the 4th Annual National Clean Boating Campaign, a daylong celebration of music, exhibits, demonstrations and marine-related festivities that promote clean boating practices. The Port has completed construction of a $7 million commercial fishing harbor that includes 62 additional permanent berths, bringing the total number of berths to 190 for San Francisco's fishing fleet operations. Of significant value to fishermen is a new fuel dock and crew showers. Environmental protection is also improved with the installation of bilge pump-outs and other facilities designed to implement marina best management practices and storm water pollution prevention. With substantial input from the Port's Environmental Quality Advisory Committee and major funding from the State Department of Boating and Waterways, the Port has included numerous "clean and green" features into the design of the fishing fleet's new home. The Port is grateful to the Mayor's Office and Senator John Burton who helped secure State budget money to cover the costs of improving water quality in the harbor. Senator John Burton, Mayor Willie Brown and the San Francisco Port Commission and the

Fisherman's Wharf community as well as the general public are invited to participate in the grand opening ceremony. The location for the ceremony is next to Hyde Street Pier off Jefferson Street in Fisherman's Wharf.

4. OPERATIONS

A. Informational Presentation on the Priority Guidelines for the Port of San Francisco.

Chief of Operations Karen Clopton presented the item and requested Commission's input regarding the Priority Guidelines. This item would be subsequently presented to the Commission for approval at a later meeting.

Commissioner Lee asked about the prevention of dangerous conditions on the waterfront. Ms. Clopton replied that the Port would first put its resources into life-threatening situations. Keeping an area safe would be the Port's first priority.

Commissioner Lee asked what constitutes a dangerous situation. Ms. Clopton replied that on the Port's 7-½ mile property, a dangerous situation could occur inside a building that is in imminent danger of collapse or a falling pole that could fall onto somebody or it could be a slip and fall issue; something that would cause bodily injuries.

Commissioner McWilliams asked why the priority guidelines were developed. He asked if problems were identified. Ms. Clopton replied that the priority guidelines were developed as a tool to assist Port staff when faced with the need to prioritize work. The priority guidelines would enhance communication as well as teamwork.

In response to Commissioner McWilliams' inquiry whether the guidelines would be included in the employee's manual, Ms. Clopton replied affirmatively.

Bill Kedem, NEWR, spoke about the safety priority. He has raised the issue of skateboarding on Port property through letters to the Commission as well as in Commission meetings. The signs are up at Pier 7 but the ordinance is not being enforced. He asked about the Port's position on this matter.

Ernestine Weiss spoke on the same subject. With the renovation of the Piers 1-1/2, 3 and 5, she asked for the immediate removal of the concrete blocks to deter the skateboarders. The skateboarders not only present a danger to the community but a nuisance as well.

Ms. Clopton indicated that enforcement of the ordinance is a police matter. Port staff continually request the police department to confiscate the skateboards and to increase police presence in the area.

5. CONSENT CALENDAR

A. Request to authorize staff to proceed with the process of vacating a portion of The Embarcadero located between Mission and Market Streets. (Resolution No. 01-34)

ACTION: Commissioner McCarthy moved approval; Commissioner Hardeman seconded the motion. All of the Commissioners were in favor; Resolution No. 01-34 was adopted.

6. MARITIME

A. Request for approval of amendments to the Port Tariff No. 4 Section 8 Fishing Industry pertaining to the operations of the new Hyde St. Harbor. Resolution No. 01-37)

John Davey, Maritime Operations Manager, presented the item and requested Commission's approval. He thanked Hedley Prince, Brad Gross, the Fisherman's Wharf Advisory Committee and Bob Miller from the Crab Owner's Association for their work and efforts on this matter.

Commissioner McWilliams commented that he received a number of calls regarding this matter. He inquired about the impact of the approval of this item being deferred to the next meeting. Mr. Davey replied the Hyde Street Harbor would be opened on June 1st. These amendments have been presented to the Fisherman's Wharf Advisory Committee since December and were made available to the fishermen. In the last two weeks, he has not received any calls or comments about the amendments. To put this item off to another meeting would put the opening of the Hyde Street Harbor in peril.

Commissioner McWilliams indicated that he received numerous complaints about the Port not talking to the greater fishing community. Perhaps, the Crab Boat Owners Association shouldn't be speaking for the fishing community in general. Mr. Davey commented that the fishing industry is characterized as a very independent and owner operated type of industry and to seek out a spokesperson would not be feasible. The public is apprised of the harbor's daily activities at the wharf. Port staff has asked the fishermen and users of the harbor for their input on a daily basis.

Commissioner McWilliams pointed out that this information in its current form has been out for less than a week and the fishermen are slow to react. Mr. Davey indicated that although this item in its current form has only been out for less than a week, the rules were initially published and brought to the committee in December. Changes were made between December and March.

Commissioner McWilliams indicated that although he does not anticipate any problems, many people would not see the amendments until after the Commission's approval. Mr. Davey commented that staff was open to constructive criticism and would be amenable to revisit this item if further amendments are necessary.

Commissioner McCarthy commented that she's received nothing but positive feedback from the committee and the fishermen about the process and Mr. Davey's work. She was reluctant to defer this item due to the imminent opening of the harbor; the rules should be in place before the opening. In the past, the fishermen usually attend Commission meetings to voice their opinions on issues that are important to them. No one from the committee or the fishermen community showed up to present their concerns.

Commissioner Lee asked for clarification of the berth assignments. John Davey explained the berth assignment. The berth agreement codifies that assignment into an agreement signed between the Port and the berth holder that outlines all their obligations, liabilities and limitations. The Port's existing rule that does not allow subletting of berth assignments.

ACTION: Commissioner Hardeman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; Resolution No. 01-37 was adopted.

B. Request for authorization to use the Hyde Street Harbor Parking Rules and Regulations, the Hyde Street Harbor Parking Permit Application and to charge a fee of $25.00 per month for a parking permit. (Resolution No. 01-38)

John Davey, Maritime Operations Manager, presented the item and requested Commission's approval.

Commissioner Hardeman asked if the 72-hour time limit is the general practice in the area. Mr. Davey replied that it is the general practice but staff would be amenable to an extension of time if the users notify the Port in advance. The time limit is set at 72 hours so the area wouldn't turn from a parking lot to a parking storage area.

Commissioner Lee asked about the cost to maintain the parking lot and whether the Port would receive any profit. Mr. Davey replied that projections of the ongoing maintenance of the park is not available since it is a brand new operation. The administration of the parking lot would be part of the Harbor Office at Fisherman's Wharf. The day-to-day administration would be performed by the Department of Parking and Traffic. The $25 fee is a reasonable rate for the area and could likely result in revenues for covering the ongoing maintenance. The Port would not lose any money in the operation that is why it was decided to assign a fee to the parking lot rather than be part of the berth.

Bill Kedem commented that the $25 fee is extraordinarily low, especially in the Fisherman's Wharf area.

ACTION: Commissioner Hardeman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; Resolution No. 01-38 was adopted.

C. Informational Presentation of the Draft Maritime Cargo and Industrial Land Use Study.

Peter Dailey, Director of Maritime, indicated that the Port of San Francisco has one of the most diverse maritime business portfolios of any Port in the United States. The Port is involved in various modes of cargo shipping, harbor services, ship repair, warehousing, commercial fishing, ferry boats, cruise ships, etc. In recent years, the Port has had many competitive demands by non-maritime related interests for maritime-designated facilities. The Commission was concerned with this and in 1999,

adopted a resolution asking that a Maritime Commerce Advisory Committee (MCAC) be established to work with Port staff to develop a Maritime Industrial Plan for the Port. The MCAC was formed consisting of members of the Port's cargo and industrial customers, organized labor, marine terminal operators, shipping users, harbor service companies, warehouse and ship repair operators. A scope of work was defined for the Maritime Industrial Plan. An RFP was issued and the consultant team consisting of Sedway Group, Martin Associates and Jordan Woodman Dobson was chosen to develop the plan.

Mr. Dailey indicated that the primary objective of the Study was to assess the viability of the Port's maritime and industrial land uses as they relate to market conditions and the need for Port land or space along the San Francisco waterfront to accommodate the projected markets. While pursuing this end, the Study identified strategic and vital ancillary services that are along the Port's waterfront properties. The study components included:

(1) Maritime Cargo Market Assessment: Although the Port's position as a leading cargo center has changed over the years, the Port turned itself around by marketing its services to small and medium container lines. The container operations were stabilized to a certain extent. However, the container operations are very volatile, depending on world trends and other facilities. In recent months, the Port has seen some business reversals based upon the Port of Oakland's expansion of its container facilities. The analysis for the containerized cargo suggested an annual growth rate of 3% and in 10 years, volumes would increase up to approximately 61,800 TEUs. Over the last 30 years, the Port had its peaks and valleys. The consultants did not see any major increase in the amount of break bulk cargo available for the Port. In their analysis, they found that there would be a dramatic opportunity for dry bulk cargo; nearly 8% annual growth rate in the next ten years. The Port has a liquid bulk facility at Pier 90/92 which handles approximately 50 tons a year and the consultants believed that would remain stable for the next ten years. The study recommends keeping Pier 80 as the primary container general cargo facility and a portion of Pier 96 in reserve for any potential market growth. Pier 80 is the premier multi-use general cargo container facility in the bay. It has covered storage and container cranes. The consultants found no definitive opportunities for new break bulk cargo. The MCAC and the Port's customers did not agree with that finding and asked for further study. New or expanded facilities are needed to handle the expected growth in dry bulk cargo at the Port. Current facilities should be able to accommodate the anticipated growth in liquid bulk cargo.

(2) Ship Repair/Dry Dock Assessment: Ship repair and dry-docking services remain among the most viable growth opportunities for the Port. Pier 70's dry dock is the largest on the West Coast and can handle many of the largest vessels. The Port should continue to maintain ship repair and dry-dock capabilities at Pier 70.

(3) Bay Area Warehouse Assessment: Recent projects along the San Francisco waterfront have put redevelopment pressure on Port property and the land adjacent to it, causing warehouse space to be converted into more profitable uses. There is a shortage of warehouse space near the San Francisco waterfront. The Port should

negotiate agreements among all interested parties for the development of warehouse space on its property.

(4) Other Ancillary Uses consisting of harbor services, labor and other types of maritime operations: Mr. Dailey indicated that the ancillary uses are vital; they include layberthing, tug and tow operations. The Port is the harbor service capital of Northern California's maritime operations. The Port has six to seven MARAD vessels on berth at any given time, generating a $1 million annual rent to the Port. Bay and Delta is one of the tug operations in the northern waterfront. Westar at Pier 50 has a 10 year lease and would be busier than they have ever been. Because of the Port's central location in the Bay, cargo/vessel-related services are economical for the whole region. The Port will remain the epicenter of the harbor service business in Northern California.

(5) Facility Assessment: The consultants looked at the Port's facilities to ensure that there are enough facilities to meet the throughputs and projected cargo and activities through the next ten years. The study indicated that the three existing dry bulk facilities at the Port would be unable to meet the future expectations and anticipated growth of dry bulk commodities at the Port. The Port should set aside approximately a minimum of five acres of additional land for terminal expansion or addition and some provisions should be made for the possible land banking of Port property and facilities for potential opportunities beyond 2010.

(6) Conclusions: The current facilities at Pier 80/94/96 provide infrastructure, deep-water access, good road and rail access, and represent one of the last industrial site opportunities for the Port. Pier 80 should continue to be the Port's primary container/general cargo terminal and a portion of Pier 96 should be held in reserve for future growth. The Port should continue its diversification into dry bulk, giving its cargo shipping industry a needed stable commercial foundation. While the Port has not been blessed with the best geography in terms of shipping and distribution of cargo as a peninsula Port, the uniqueness of its facilities and its proximity to one another works well for future opportunity particularly in diversified cargo mix. The Port should consider the backlands of Pier 94/96, with its proximity to ocean terminals, airport, highway/rail and downtown, as a possible development opportunity site for warehousing and assembly/distribution facilities.

Port staff made a presentation to the Southern Waterfront Advisory Committee (SWAC) pertaining to the Maritime Industrial Plan. The SWAC approved a motion rejecting the Redevelopment Agency Bayview Hunters Point Concept Plan proposal for open space on Port property in favor of maritime uses in the 94/96 backlands area as recommended in the Maritime Industrial Study. The consultants were excited about the commercial opportunities.

Pier 48 has wonderful attributes pertaining to maritime industrial uses that has excellent layberthing opportunities, warehousing, and would fit into the Port's maritime industrial needs in the central southern waterfront. The consultants had difficulties in thinking that it could be used for deep-sea ocean-going vessels at the cargo terminal. They want it to remain as a maritime industrial facility and all berths to be used. Pier 70 should remain as a ship repair facility. The Amador

Street bulk cargo corridor should be taken advantage of and develop to meet the needs of this growing industry. The Port should continue to expand facilities on the southern waterfront to accommodate value-added services, warehousing and Foreign Trade Zone opportunities. The Foreign Trade Zone has moved into a portion of Pier 50 on a short-term license to handle import distribution from China. This is the of opportunity that the consultants see as an opportunity for the Port in the next ten years.

The Illinois Street Bridge project which is proposed and getting closer towards its resolution, is an important facility for the Port. It will tie Pier 80/94/96 as well as 90/92 into one basic facility. It would make rail operations more streamlined. It would allow for the trucking of containers between the two terminals and would make it more marketable. The consultants think that this is a real opportunity for the Port to further enhance its commercial position.

The consultants recommended continuing to market the Port as a layberth facility. The layberthing of ships at the Port feeds its harbor service operations. Specifically, the consultants suggested investigating capital investment to maintain its berth facility and look at Pier 70 as a possible location for capital improvements.

The study has addressed the market based needs for Port facilities and validated the need to keep existing maritime facilities while forecasting needed expansion areas for warehousing and cargo growth. Based on the study and the comments received from the Maritime Commerce Advisory Committee, staff recommended the following actions:

- Use the study as the Port's recommendations for the Bayview Hunters Point Concept Plan.
- Based on comments from the Maritime Commerce Advisory Group, conduct further market analysis of potential break bulk opportunities not addressed in the study including fresh fruit, newsprint and steel, and to determine any real future opportunities in this area. The MCAC did not agree with the consultants report and did not want staff to do further analysis on that opportunity.
- Tie in Economic Impact Study results showing economics benefits to San Francisco and further elaborate benefits to community from maritime activities. The MCAC felt that due to the variety of different maritime uses on the waterfront, sometimes the critical mass is hard to see. This report shows that there is a thriving viable maritime industrial base in San Francisco. The MCAC was concerned that this report was not enough in telling people of this fact. They would like the Economic Impact Study be tied specifically to these industries and use this tool to show San Franciscans the economic benefits that could be created from these activities and from the possible future expansion capabilities of these industries.
- Further study warehousing opportunities for the development of the backlands of Pier 94/96.
- Develop and implement marketing plan for cargo growth as called out in the plan.

Mr. Dailey indicated that the growth in the bulk cargo operation is great news and looked forward to taken advantage of those opportunities. The consultants were emphatic about the tremendous warehousing opportunity.

Commissioner McCarthy asked about the union issues and whether staff was looking into the matter. Mr. Dailey replied that the Port of Oakland took over the Naval Supply Center and obtained thousands of sq. ft. of warehouse space that were primarily non-union operations. Port staff has been successful with Local 6. The Foreign Trade Zone is expanding their operations and employs union members. There are jurisdictional issues within the ILWU pertaining to Local 6 versus Local 10. He and Commissioner McWilliams have met and continue to meet with the leaders of both unions to explore opportunities to possibly grow the business to benefit the union and the Port. The Port is actively discussing with the executive board of Local 10 the possibilities to expand.

Commissioner McCarthy asked about the comments from the MCAC. Mr. Dailey replied that the consultants pointed out the volatility of the maritime industries. From the moment they began and ended the report, there were a number of commercial activities that transpired. Carl Hanson's facility has gone through a number of issues which altered the commercial impacts to the facility. Although the study pointed out a 3% annual growth at Pier 80 next year, the Port would actually have a decrease in business. Overall, the concept was good but the MCAC did not agree pertaining to the break bulk market and asked the Port to study it further. Port staff will continue to meet with the MCAC monthly.

Commissioner McWilliams was glad to hear that the SWAC did not support the proposal to take the Port's best maritime facility out of marine resources. He was glad to hear that SWAC took a definitive position on that matter. He further commented that there would be increased cargo opportunities on the West Coast. Even the most conservative estimates indicate that cargo opportunities would increase substantially over the next twenty years. Staff is doing an important job and he appreciated the work that staff has done.

Commissioner Hardeman concurred with Commissioner McWilliams' comments that we need to hang onto any maritime sites as long as possible. The public has already expressed their dislike for more open space.

Peter Dailey indicated that the SWAC, by a resolution, asked Port staff to continue working with the community and the Redevelopment Agency towards any opportunities that might present themselves for any open space. He concurred with the committee that if there are some opportunities for the Port to find some space after the planning process particularly in the backlands would be a good idea. The SWAC were primarily looking for economic development jobs.

Commissioner Hardeman indicated that since the economy is questionable right now, any commitment to open space is not the wisest thing to do.

Commissioner McCarthy indicated that in the conclusions, the consultants recommended that Pier 48 should not be designated as a marine terminal facility

although it is well suited for maritime support. She asked about the history of Pier 48. Mr. Dailey replied that it was and is still designated in the BCDC's Seaport Plan as a break bulk cargo terminal. Based on the analysis of commercial cargo movement, the consultant found that any significant break bulk cargo movement could be handled at Pier 80 primarily and that Pier 48 would be an excellent long-term site for maritime operations such as tug-boat, tow boat and small package deliveries. Ocean-going, deep vessels would not be feasible for Pier 48.

Commissioner Hardeman commended staff for their excellent work. The study was helpful not only to the Commission but other interested parties as well. Mr. Dailey thanked Jill Simpson for her efforts on this project.

Commissioner McCarthy indicated that one of the issues that MCAC raised was dredging. She asked about the status of the dredging projects. Mr. Dailey replied that dredging is critical and it is an expensive proposition. The Port spent $2.3 million on dredging in the last three years alone. Dredging is an ongoing project at the Port.

7. PLANNING & DEVELOPMENT

A. Approval of Locations for Public Service Kiosks by JCDecaux San Francisco Inc. along The Embarcadero between Bay Street and Second Street. (Resolution No. 01-39)

Kari Kilstrom, Planning & Development, presented the item and requested Commission's approval.

Bill Kedem, NEWR, submitted a letter to the Commission indicating that Kiosks #3 and #6 are proposed to be permanently located at intersections that are rated "F" according to the Waterfront Land Use Plan EIR. An F intersection is unacceptable, according to any City traffic planner's definition. The EIR indicates that mitigation measures are required to smooth out these intersections due to the development projects already approved for the waterfront such as the cruise terminal at Piers 30/32 and the recreational project at Piers 27-31. There would be considerable street work required at those intersections and it would be imprudent to approve locations at those two locations when those kiosks would have to be moved in the future and could be a hazard as well. The kiosks should be directed toward public service instead of advertisement.

David Osgood, President of the Rincon Tenants Association, indicated that there still remains quite a bit of concern about the park both from merchants and residents. He gave the Commission a quick comparison of the original RFP and the current proposal showing how the restaurants have been allowed to expand. He showed the Commission the developer's rendering and what people walking along the Embarcadero would see. He pointed out that the sculpture is going to be 60 feet high, same height as the sculpture at South Beach Park. It was his understanding that the decision to choose the Decaux approach was made by two people, one from the Agency and one from the developer. There were no Port people involved. He suggested that Port staff approach the GAP and seek input from their park developers.

Rick Dickerson, Chairperson of Rincon Point South Beach CAC, apologized for the lateness of their request. He requested that the Commission agree to put on hold for a period of six months a decision regarding the public restroom that is to be included in Rincon Park. The CAC members have been reluctant to allow advertising kiosks along the southern Embarcadero as required to obtain a JCDecaux toilet in Rincon Park. The CAC voted unanimously at their meeting to remove their recommendation of the placement for the five JCDecaux kiosks and requested additional six months to work with Port staff and the Redevelopment Agency to find a better solution to the restroom issue.

Vicki Simon, South Beach Resident, supports bathrooms in the structure at the park and no advertising in the neighborhood. She felt strongly about that the residential integrity of the neighborhood be preserved. She asked the Commission to take their comments into consideration and allow them more time to get the bathroom in the structure itself. She pointed out that the original design for development put forth by the Agency included bathrooms in the park. Both the developers and the restaurant owners should have taken that into account.

Deborah Kanarck, attorney and property owner at Delancey Street, supported the CAC's request to extend the time to find a solution to the problem. At a minimum, she believed that the #1 and #2 locations are inappropriate because of the narrow sidewalks. She noted that in the South Beach Park, there are public bathrooms that are open, clean and safe and similar facilities could be placed at Rincon Park.

Jeffrey Leibovitz indicated that early on in the design of the park, negotiations called out for a restroom not to be placed in the restaurant facilities. It would be provided for by the Agency's funding and possibly by tax money that the restaurant would provide. The restaurant does not want the restroom for obvious reasons. If they are successful in keeping the kiosks off the waterfront, it would be the last vestige of pristine waterfront in San Francisco. They asked for the six-month delay because they believe that given the financial circumstances facing the restaurants, the Port might end up with a different operator who may have a different philosophy or idea about what they want to do. There is also the undertaking of the firehouse, a public facility, which is adjacent to the park. That should be given some thought and consideration as to whether or not a public restroom similar to the one at Pier 40 is more appropriate than a JCDecaux restroom in the park or the kiosks along the waterfront. They asked for the delay in hopes that they could come up with a better solution for the public's benefit.

Louise Bird indicated that the decision on the "toilet" question should be delayed because of its controversy. It was well known that the toilet was a problem. A police report states that paid toilets are a problem; they solicit activities, drug dealing, camping out, etc. Perhaps the best way to have toilets in parks is inside a recreation center or inside a restaurant. She suggested that more time is needed to get the right decision.

Ernestine Weiss concurred with the previous speakers that this project should be delayed for a six-month period. The waterfront is beautiful as is and it should be left alone.

Victor Veysey, operator of Bike Hut at South Beach, provided the Commission a copy of his suggestions to resolve the restroom problem at Rincon Park.

ACTION: Commissioner Hardeman moved approval to defer this matter for an undetermined amount of time as a courtesy to the Rincon Point-South Beach neighborhood who has been very cooperative with the Port. Commissioner McCarthy seconded them motion.

Commissioner McWilliams inquired about the impact of deferring this item for that period of time to the park and restaurant projects and any other projects in the neighborhood. Ms. Kilstrom replied that BCDC issued a permit for the park. As a condition to the approval, BCDC required a JCDecaux toilet for the park. All of the BCDC conditions and Port design conditions need to be satisfied.

Commissioner McCarthy indicated that the original plan was to have the restroom in the restaurant but it was changed to a JCDecaux facility. She suggested that we need to figure something other than a JCDecaux facility so that we don't have to accept or deal with the advertising kiosks.

Commissioner McWilliams indicate that he has had personal experiences related to providing public facilities to the public. He was responsible for the building at 4 Berry Street which had public facilities available to anyone who wanted to use them. He was also responsible for taking care of the International Headquarters on Geary and Franklin Streets where public facilities were available. A fair amount of time was spent in making the grounds presentable because they were very often used as toilets. Public facilities were not available for people. It is important that a facility be provided in this park, it was part of the whole design. It is unfair to think that the operator of the restaurant would be expected to maintain the facility. The reality is none of these facilities, except a JCDecaux facility, are open 24-hours a day and available to people when they need them. There is no other commercial facility that would answer those kinds of issues. As a port, this gets dumped into our laps. There's no way to mitigate some issues for the rest of the City without any consideration of how we're going to pay for them and JCDecaux answered all of that. It's the only solution; a solution that is not incorporated into a restaurant. We are having a hard time in getting anybody to pencil out the project and take on that added burden of maintaining something that would probably interfere with their business. Any comments about incorporating a restroom into a facility is not a viable solution and he would not support that. Practically speaking, it could not happen. The issue of funding was not available to the Port. Short of coming up with paying for the facility and maintaining it ourselves or developing some other liability to the City that is based on results on other places like Golden Gate Park is not going to work. This is the only solution that is viable. Changing that now puts at risk some of the negotiations that are going on such as the restaurant, the park and our ability to follow through on creating something that is good for the City. He is in support of the resolution, of the proposal that is before the Commission. Putting it off would put the other parts of the projects in jeopardy.

Commissioner Lee indicated that perhaps the Port should only have two kiosks instead of five. He asked if there's any way we could negotiate for two kiosks and put them in locations that would be more acceptable to the community.

Ms. Kilstrom replied that the City contract with JCDecaux requires that for each one automatic toilet installed a total of 4.5 public service kiosks be installed on City property. Under the contract terms, JCDecaux installs and maintains the public toilets and public service kiosks on City property at no cost to the City.

Commissioner McCarthy commented that this is almost the same situation as in the Marina District. Rec & Park was responsible for the bathroom in that area. It would seem that would be the best solution; some kind of a free standing facility and staff would have to figure out how it would be operated and be cleaned and kept cleaned. The Embarcadero looks pristine and putting the kiosks there would not be a good idea.

Commissioner McWilliams inquired if putting this off for four months; would this impact the amendments made with BCDC and the Agency.

Ms. Kilstrom replied that the Gap is poised to get started with the construction of the park within the next couple of months but they would be hesitant to move forward with the park if there are uncertainties about the entitlements, if there are permit conditions that haven't been satisfied and if there are some ambiguities about whether how they will end up being satisfied, particularly if the solution is that a free standing building needs to be constructed. It's not clear how that would be paid for. The rest of the park is paid for by the Gap. It could add to their cost.

Commissioner McCarthy asked about the cost to operate the restroom and whether there would be a way to negotiate something with the Gap, the Agency and the Port to look at maintaining the restroom. Ms. Kilstrom replied that the Agency considered the maintenance cost because they are responsible for maintaining the park and their position has been that a free standing restroom is not the best solution because of the expense of maintaining it in a way that would be up to their standards. They have already talked to their maintenance contractors for Yerba Buena Gardens about the kind of manpower that would be required.

After further discussion, Commissioner Hardeman moved approval to amend the motion to provide at a minimum a four-month period or sooner for staff to review the matter further and come back to the Commission with a recommendation, taking into consideration the speakers' requests. Commissioner Lee seconded the motion.

8. ENGINEERING & MAINTENANCE

A. Request for authorization to execute Fourth Amendment to Professional Services Agreement No. SA3960018, "Design of Pier 52 Public Boat Ramp and Public Access," with Arcus Architecture and Planning for additional design and construction management services. (Resolution No. 01-36)

Ken Chu, Engineering Department, presented the item and requested Commission's approval.

Commissioner McCarthy inquired about the Maher Ordinance Study. Mr. Chu replied that a project requiring an excavation of more than 50 cu.yd. would require a Maher

Ordinance Study. It would clear out potential hazardous materials. Mr. Lee added that the Maher Ordinance Study is for the protection of the construction worker. This study is included in all construction contracts and it includes environmental hazardous wastes or contamination in the soil. Anytime we disturb soil for construction project, we need to meet the requirement of the Maher Ordinance.

ACTION: Commissioner Hardeman moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; Resolution No. 01-36 was adopted.

9. REAL ESTATE

~~A. (1) Request for Approval of Assignment of Lease No. L-7493, dated May 1, 1970, for premises located at 286 Jefferson Street (Castagnola's Restaurant) from Lolman Enterprises, Inc. and Andrew Lolli to Lolman Associates, a California General Partnership, (2) Request for Approval of Sublease from Lolman Associates to Lolman Enterprises, Inc., and (3) Request for Approval of Assignment of Lease, dated May 1, 1970, for premises located at 286 Jefferson Street (Castagnola's Restaurant) from Lolman Associates, a California General Partnership, to Castagnolas, LLC, a California limited liability company. (Resolution No. 01-35) (Staff report provided to the Commission.)~~ **This item was taken off calendar.**

B. Adoption of Findings under the California Environmental Quality Act and Approval of three (3) Memoranda of Understanding between the Port and the Public Transportation Commission (MUNI) for right-of-way in the northern half of Third Street Light Rail Project Alignment that will authorize: (1) a transit power substation on Port property in the Mission Bay South development (Resolution No. 01-40); (2) ductbanks under Mission Creek near the Fourth Street Bridge (Resolution No. 01-41); and (3) ductbanks under Islais Creek near the Islais Creek Bridge (Resolution No. 01-42).

Phil Williamson, Senior Property Manager, presented the item and requested Commission's approval.

ACTION: Commissioner Hardeman moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; Resolution No. 01-40, 01-41 and 01-42 were adopted.

10. NEW BUSINESS / PUBLIC COMMENT

11. EXECUTIVE SESSION

ACTION: Commissioner Hardeman moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor.

At 6:20 p.m., the Commission withdrew to executive session to discuss the following:

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING AND ANTICIPATED LITIGATION MATTERS (DISCUSSION ITEMS):

a. Discuss existing litigation matter pursuant to subdivisions (a) and (d) of the California Government Code Section 54956.9 (1 case).

- F. Alioto Co. v. CCSF; Superior Court Case No. 318360.

b. Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (3 potential cases).
X As Defendant __ As Plaintiff

- As Defendant: Two licensees and one lessee at Wharf J-3 have informed the Port that they have claims for damages and/or injunctive relief relating to the Port's alleged failure to repair or maintain the substructure of wharf J-3 or the fish processing building located at wharf J-3.

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.
This session is closed to any non-City/Port representative. *

a. Property: 1201 Illinois Street, between Humboldt and 23rd Streets
Person Negotiating: Port: Byron Rhett, Director of Planning & Development and Mark Lozovoy, Asst. Deputy Director of Real Estate
*Potrero Power Plant (Mirant Americas Development, Inc.): Mark Harrer

b. Property: Seawall Lot 352
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Pacific Cement: Rick Ramirez

c. Property: Pier 38
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Pier 38 Maritime Rec. Center: Carl Ernst

d. Property: Pier 28
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*J. Kennedy, Inc.: Jim Kennedy

e. Property: Pier 30
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Red's Java House: Steve Riley

f. Property: Piers 70
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Waste Resources Technologies:. Jack Isolo

12. RECONVENE IN OPEN SESSION

At 7:30 p.m., the Commission reconvened in open session.

ACTION: Commissioner Hardeman moved approval to not disclose any information

discussed in executive session; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 7:30 p.m.